

85 01264

V 3-25-85

NORTH SHATTUCK AREA PLAN

**INSTITUTE OF GOVERNMENTAL  
STUDIES LIBRARY**

MAR 18 1985

**UNIVERSITY OF CALIFORNIA**

Submitted to the Berkeley  
Planning Commission  
June 16, 1982

(amended to 7/13/82)

The following people formally anticipated in the preparation of the  
North Shattuck Area Plan.

Oversight Committee

Henry Lynn  
Lloyd Morgan  
Adele Bonovitz  
Linda Veneziano  
Margaret (Peggy) Mendelson  
Warner Schmalz  
Ron Green  
Elyce Judith  
Bruce Miller  
Roberta Blank  
Eric Parfrey  
Gary Farber  
Rita Zulpo (merchant)  
Helen Burke  
(Gus Schultz and Tony Hawthorne  
from the Planning Commission,  
Jane Clayton from the  
Transportation Commission)

Land Use Sub-Committee

Eric Parfrey  
Adelle Bonovitz  
Henry Lynn  
Michael Grove  
Lois Green  
Alex Nicoloff  
Anna Rabkin

Transportation Sub-Committee

Ron Green  
Warner Schmalz  
Teri Gerritz  
Krys Upstill  
Barry Wardlaw  
Bill Nielsen

Environmental Sub-Committee

Gary Farber  
Elyce Judith

## TABLE OF CONTENTS

### Chapter I INTRODUCTION

Introduction . . . . .	1
The North Shattuck Area Defined . . . . .	4

### Chapter II LAND USE ELEMENT

Recent Land Use Changes in North Shattuck . . . . .	6
An Inventory of Non-Residential Land Uses . . . . .	8
Land Use Goals . . . . .	10
Land Use Issues and Proposal Policies . . . . .	11
The Existing C-1A Zoning . . . . .	13
Special Use Districts and a Proposal for Berkeley . . . . .	13
Proposed Zoning and Land Use Regulations for North Shattuck .	15
Land Use Proposals Other Than Zoning Text Revisions . . . . .	25
Extension of Area Plan Protections to the Berkeley Way/Henry St. Residential Area . . . . .	28

### Chapter III DESIGN AND USE REVIEW ELEMENT

Design Review in Rockridge . . . . .	29
Proposal for a Neighborhood-Based Design and Use Review Committee in North Shattuck . . . . .	31
An Approach to Design for North Shattuck . . . . .	31

### Chapter IV TRANSPORTATION, TRAFFIC, AND PARKING ELEMENT

Parking and Transportation Goals . . . . .	33
Parking Policies . . . . .	34
Revisions to the Administrative Provisions of the Zoning Ordinance Required by the New Zoning District "C-1NS". .	37



#### Chapter IV (continued)

Proposal for a Preferential Parking Program . . . . .	38
Street Improvements . . . . .	39
Transportation Improvements . . . . .	41

#### Chapter V ENVIRONMENTAL ELEMENT

General Environmental Concerns . . . . .	42
--	----

#### APPENDICES

Appendix A Tenants in North Berkeley Centre . . . . .	43
Appendix B Tenants in Shattuck Commons . . . . .	44
Appendix C Detailed Inventory of Certain Uses . . . . .	45
Appendix D Use Regulations in the C-1A Commercial Zoning District (chart) . . . . .	49
Appendix E Comparison of Blayney and NSAPC Parking and In-Lieu Payments Schedules . . . . .	51
Appendix F Recommended Parking Plan for Shattuck/Rose . . .	53
Appendix G Relevant Newspaper Articles . . . . .	54

## I. INTRODUCTION

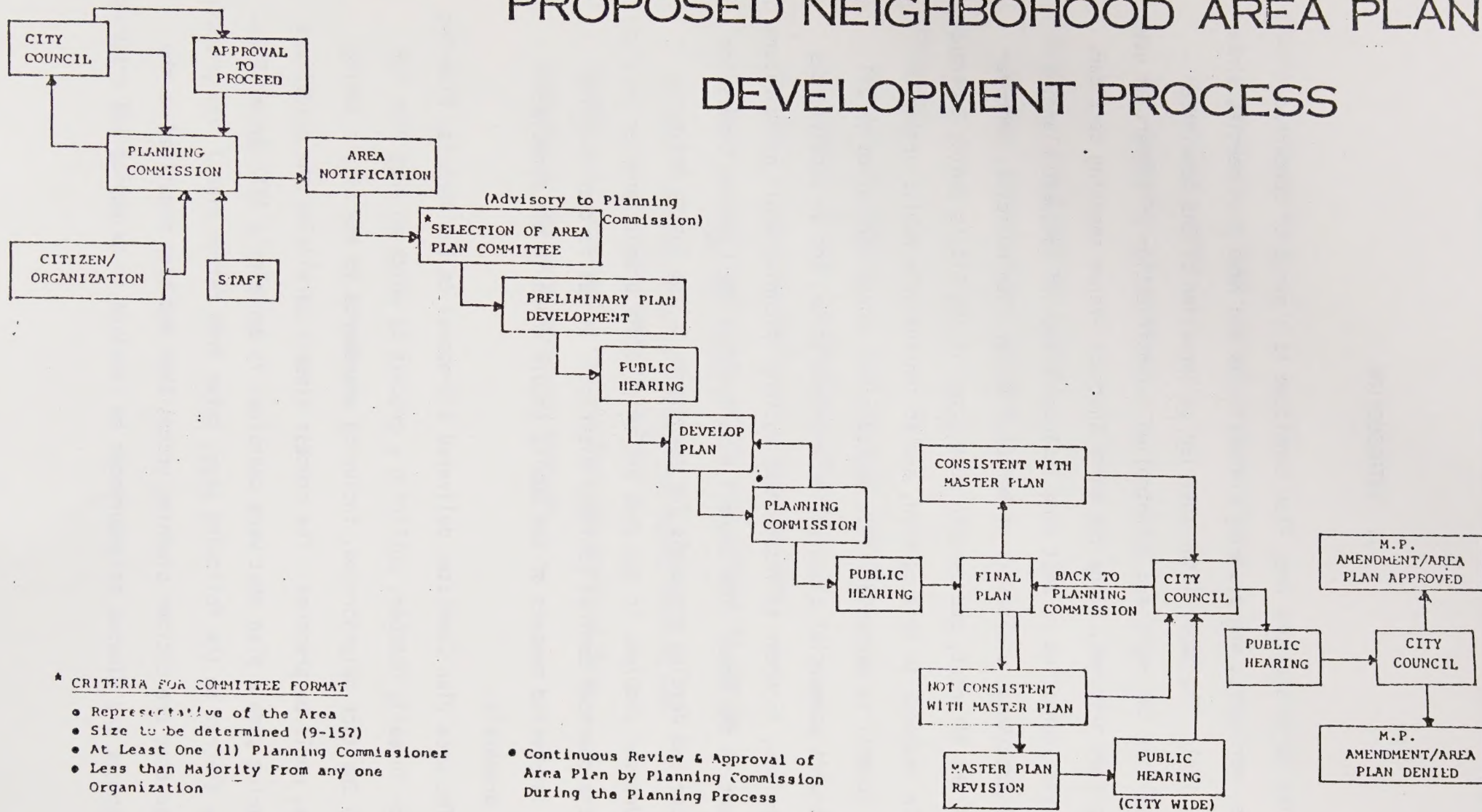
The North Shattuck Area Plan Committee is a group of concerned residents, merchants, and planning professionals who have been meeting since August 5, 1981. The major issue that led to formation of the Committee last summer was the rapid and uncontrolled intensification of commercial uses, and associated problems, along the North Shattuck Avenue shopping corridor. Other issues identified at that time included a lack of adequate planning in the neighborhood, violations of Berkeley Master Plan policies, improper zoning of the district, and certain weaknesses in the City's Zoning Ordinance.

In response to this concern, and at considerable public urging, the City Council in September 1981, passed a four month moratorium on all new multi-unit commercial construction and demolition, and on subdivisions and expansions, in order to insure that rational planning would guide future development in the area. The Council also directed the Planning Commission to consider and develop proposals for amendments to the Zoning Ordinance which addressed problems in the area and which would promote greater development of the downtown central business district. It was further resolved that all interested members of the public should share in the formulation of these proposals.

The Area Plan Committee delivered a proposal to the Berkeley Planning Commission in early October, outlining a process by which an Area Plan for the North Shattuck neighborhood, including amendments to the City's Zoning Ordinance, would be prepared. The process closely paralleled the guidelines for preparing such a plan that were contained in Berkeley's 1977 Master Plan. (See flow diagram on the following page, taken from Master Plan.) The proposal also asked that the citizen planning groups that had been organized in the North Shattuck and Elmwood neighborhoods be involved in selecting and creating



# PROPOSED NEIGHBORHOOD AREA PLAN DEVELOPMENT PROCESS



the job description for a planning consultant that was to be hired by the city. It was hoped that the professional consultant would be able to work with the two neighborhood committees in preparing draft zoning regulations for both areas. Finally, the October letter to the Planning Commission proposed that an Oversight Committee be established, consisting of representatives from the existing neighborhood organizations in the area, commercial property owners, "at large" residents, merchants, professional planners, and Planning and Transportation Commissioners.

An Oversight Committee that would guide preparation of the North Shattuck Area Plan was formed in November 1981, and work on the plan continued in three designated sub-committees. Unfortunately, formal recognition by the Planning Commission of the individual members of this Oversight Committee, as well as formal recognition of the Area Plan Committee's proposal to create a plan, did not occur until several months later. This inordinate delay on the part of the Planning Commission to follow procedures outlined in the Master Plan caused a great deal of confusion between the Commission and members of the Oversight Committee.

The delays and confusion were further exacerbated by certain provisions of the contract executed between the City and the hired consultant. The planning consultant was prohibited from working closely with, or providing support to, the community planning efforts. Thus, the Area Plan Committee has worked independently from the City's consultant for the last six months. The result is this Area Plan, one of two documents and two separate zoning recommendations that are being presented to the Planning Commission. It is hoped that future Area Plan efforts initiated by other neighborhoods in Berkeley can avoid some of this procedural confusion.

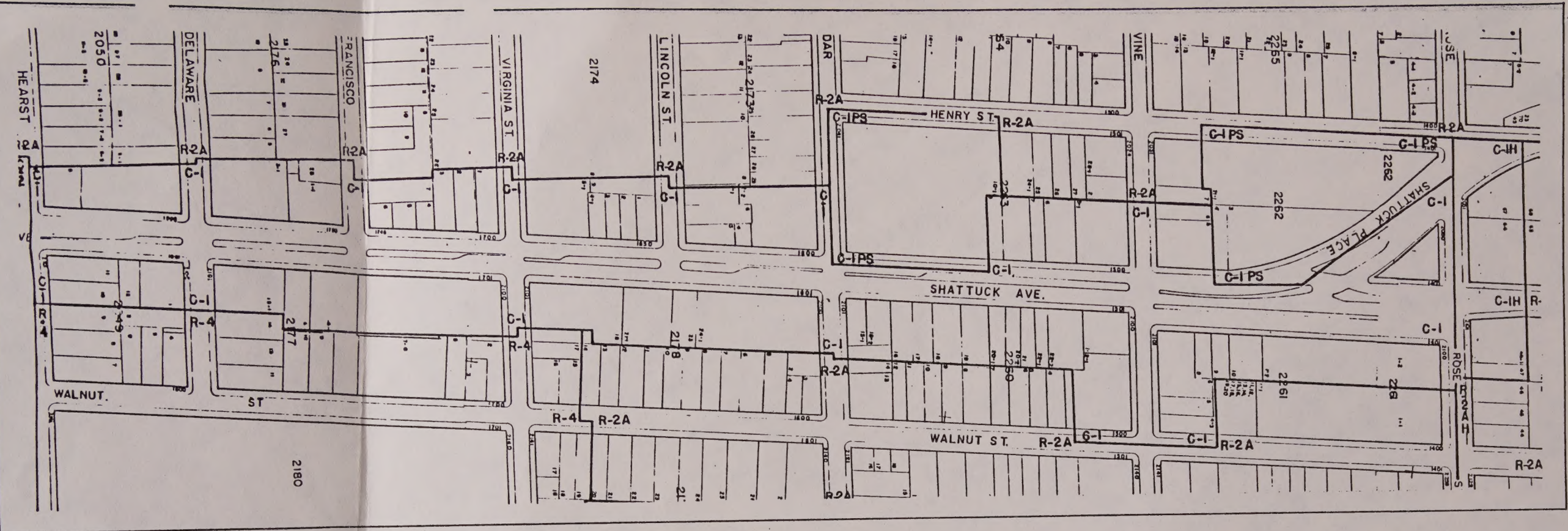


### The North Shattuck Area Defined

The North Shattuck neighborhood is defined for the purposes of this Area Plan as bounded by Hearst, Spruce, Berryman, and Grove Streets.

Much of the background information, and many of the policies and other zoning recommendations, contained here apply specifically to the North Shattuck commercial district, which corresponds to the commercially zoned areas of the neighborhood (see map on the following page). A major concern of the Area Plan Committee, however, continues to be the protection and enhancement of adjacent residential areas. The policies and processes included in this plan, therefore, should not be construed as applying only to the commercial corridor along North Shattuck Avenue.

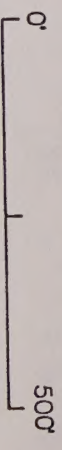




The North Shattuck  
Commercial Area

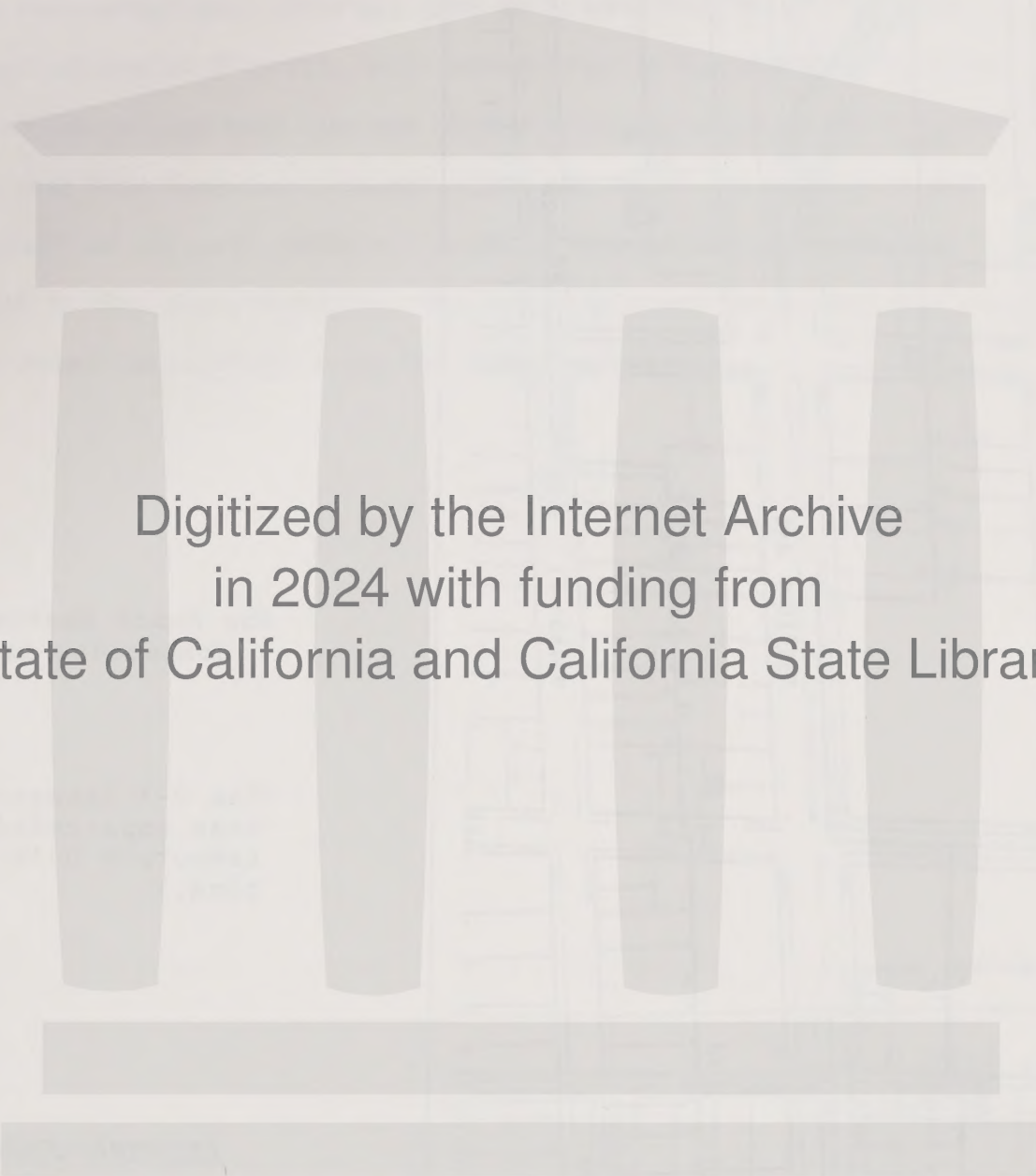
(The C-1 category has  
been superceded by the  
temporary C-1A designa-  
tion.)

EXISTING ZONING



Source: City of Berkeley Comprehensive  
Planning Department





Digitized by the Internet Archive  
in 2024 with funding from  
State of California and California State Library

<https://archive.org/details/C124879688>



## II. LAND USE ELEMENT

This chapter focuses on the land use issues facing the North Shattuck neighborhood. It describes some of the major construction that has taken place in the area recently, inventories the existing commercial land uses on Shattuck Avenue, and identifies the broad land use goals and the most crucial issues that have been developed in sub-committee. The chapter concludes with a proposal for a new, individualized zoning ordinance for the neighborhood, designed to take the place of the current C-1A zoning designation.

### Recent Land Use Changes In North Shattuck

The North Shattuck neighborhood has become known in recent years as the "Gourmet Gulch" of the region because of its many quality restaurants, delicatessans and specialty food stores. The commercial district also includes a large number of small retail shops that sell gifts, greeting cards, novelties, women's clothing, sewing accessories and fabrics. The neighborhood is currently served by three major supermarkets (Co-op, Safeway, and Lucky), although the Lucky store has lost its lease and will move off its site by the end of this year (1982). Other large establishments in the area include the Pacific Telephone building (20,000 square feet of space), the Bank of America (21,600 sq. ft.), Co-op Drug, Variety, Hardware store (10,000 sq. ft.), the State of California office building (29,700 sq. ft.), the French Hotel and Cafe (10,000 sq. ft.), and Bill's Drugs (8,500 sq. ft.).

Significant additions to the neighborhood commercial district have occurred in the last year alone. The North Berkeley Centre at the corner

of Cedar and Shattuck Ave., opened its doors in early 1982, and the Shattuck Commons development at Rose and Shattuck is scheduled to open later this year. The number of new shops or offices already leased or proposed in these two projects is summarized below:

North Berkeley Centre.....	31 retail shops
	2 offices
Shattuck Commons.....	16 retail shops
	<u>7 offices</u>
Total.....	56 commercial units

These two new developments include at least fifty-six new shops and offices at full occupancy. These new spaces make a significant addition to the already existing 134 units of non-residential use along North Shattuck (inventoried below). The retail and office space in the North Berkeley Centre and Shattuck Commons represents over a 40% increase in the number of shops, restaurants and offices in the commercial district. The additional space amounts to over 40,000 sq. ft. in floor area. Unfortunately, this rapid construction of new shops and offices has not been accompanied by a comparable number of parking spaces set aside for patrons, ensuring a significant shortfall between existing on- and off-street parking and the parking demand in the near future.

As can be seen from the inventory in Appendix A, a majority of the new tenants in the North Berkeley Centre are small and medium-sized shops that sell specialty goods. More than half of the retailers in the North Berkeley Centre sell either gifts and cards (7 stores), clothing (5 store) or specialized foods (5 stores). The retail tenants that have already leased space in the Shattuck Commons include an imported children's shoe store, a gift/card shop, two stores that sell women's clothing, a shop that will offer "country French household items," and a large Italian bakery. (See Appendix B) The addition of these retail shops in the North



Berkeley Centre and Shattuck Commons will serve to further tip the balance of commercial uses in the area away from stores that provide general goods and toward a proliferation of boutique-type specialty stores.

Other major tenants in the Shattuck Commons development will be a Nautilus Health Spa (2600 sq. ft.), a large xeroxing service (1500 sq. ft.), and a firm that develops or sells computer software programs (2000 sq. ft.).

### An Inventory of Non-Residential Land Uses

The following list of non-residential land uses in the North Shattuck neighborhood was compiled using information from Area Plan Committee and consultant inventories. The number of establishments listed in the first parentheses are tenants of the newly constructed North Berkeley Centre (NBC), and the number in the second parentheses are proposed tenants for the Shattuck Commons development, scheduled to open sometime during the summer of 1982. A detailed inventory, listing specific retail, office, and institutional establishments by name, is included in Appendix C. A small amount of double-counting occurs in this inventory, for example, when a bakery or non-food primary use also includes a cafe-like arrangement with interior or outside tables and chairs to serve patrons.

#### FOOD ESTABLISHMENTS

Restaurants.....	12	(1)	
Take out food.....	4		
Cafes.....	6	(1)	
Delicatessans (food sold for immediate consumption on-site).....	3		
Bakeries, confectioners.....	7	(2)	(1)
General food products.....	3		
Specialized food products.....	9	(1)	
<hr/>			
Total Food Establishments.....	44	(5)	(1)

## SPECIALTY STORES AND SERVICES

Arts, crafts, supplies.....	8	(2)	
Auto supplies, services, stations.....	3		
Beauty, barber shops.....	9	(1)	
Books.....	5	(1)	
Clothing and accessories.....	16	(5)	(2)
Custom tailoring, fabrics.....	5	(3)	
Drugs, personal care items.....	3	(1)	
Flowers, plants, furniture, furnishings..	9	(3)	(1)
Gifts, novelties, stationary, antiques..	16	(9)	(1)
Hardware, plumbing, garden supplies.....	5	(1)	
Laundries, dry cleaning.....	2		
Other specialty stores.....	9	(1)	
Repair of home items.....	1		(1)
Computer services, supplies.....	2		
Commercial recreation (gym).....	1		(1)
Other specialty services.....	2		(1)
<hr/>			
Total Specialty Stores and Services.....	96	(27)**	(7) (16)*

## PROFESSIONAL OFFICES AND SERVICES

Banks, savings and loans, other financial services.....	8	(2)	
Real estate services, title companies.....	15	(1)	
Dental, medical, veterinary services.....	6		
Travel agencies.....	4		
Insurance.....	1		
Attorneys offices.....	5	(1)	



Other professional offices.....	11	(5)
Major institutional offices		
State of California.....	3	
University of California.....	5	
<hr/>		
Total Professional Offices and Services.....	58	(9)** (7)*
GRAND TOTAL: Non-residential uses.....	198	(41) (24)

\*Seven offices and 16 retail units proposed in Shattuck Commons at buildout.

\*\*Three shops and some professional offices in North Berkeley Centre have been double counted, to account for more than one service (e.g., an accountant and realtor), or retail use (e.g., a bakery and cafe).

#### Land Use Goals

The overall goal of the North Shattuck Area Plan is to preserve and enhance the unique character of the neighborhood and to mitigate problems of congestion, the loss of local-serving businesses, and inadequate parking caused by recent high density commercial development.

The residents of North Shattuck enjoy the mix of retail shops that serve the surrounding community, the diverse population, and the medium density of development in the area. We want to maintain, and where possible, improve, the quality of life by encouraging pedestrian and Berkeley resident-oriented uses, by discouraging auto-related uses, and by guarding the present balance of residential and commercial uses.

Any plan to implement these goals should reflect the desire of residents, merchants, and users of the North Shattuck area to actively participate in, and review, planning, zoning and design decisions regarding land use changes in our neighborhood. In pursuing these goals, we wish to

contribute to the development of ordinances and enforcement provisions that will guide future development projects in the area.

#### Land Use Issues and Proposed Policies

The following issues relating to land use in the North Shattuck neighborhood have been identified by the Area Plan Committee as among the most pressing to be addressed in a new zoning ordinance. Proposed policies to guide the revision of the ordinance are also stated below:

- (1) The present mixture of regional and local-serving businesses in the area is threatened by the rapid encroachment of primarily regionally oriented uses and by overly duplicated services and shops. During the last several years many shops which serve a distinctly regional market have located in North Berkeley instead of in downtown Berkeley. A suitable commercial balance along North Shattuck Avenue, necessary to meet the daily needs of Berkeley residents, must be maintained, in part through regulatory measures.
- (2) The ambience of the North Shattuck commercial district, established by such enterprises as Chez Panisse and Warszawa Restaurants, the Arts and Crafts Co-op, the Produce Center, and Walnut Square, is undermined by incompatible architecture and decor in some recent developments. New businesses in the area, created either through new construction or conversion of existing commercial and office space, should embody design appropriate to the area.
- (3) The delicate balance between residential and commercial land uses, which gives the North Shattuck neighborhood its unique



vitality while contributing to the housing stock of the city, is threatened by the commercial success of the area. The absence of a transportation plan to meet this burgeoning commercial success has significantly increased auto congestion and created a chaotic condition along parts of Shattuck Avenue, as well as in adjoining residential areas. Stringent measures to mitigate problems caused by the influx of autos into the area, and to protect adjacent residential neighborhoods and their environments, must be enacted.

- (4) The North Shattuck neighborhood includes many institutional and non-retail land uses, such as churches and office buildings, which also contribute to increased auto traffic and congestion. Non-retail land uses, especially those that involve major institutions (i.e., the University of California) or large numbers of office workers, should be discouraged in the North Shattuck area. A specific attempt should be made to keep a major portion of the UC-owned Oxford Tract in open space use.
- (5) Concerned residents, merchants and patrons of the North Shattuck neighborhood have not been adequately notified or consulted about recent planning decisions that have seriously impacted the area. Residents and merchants involved in existing neighborhood organizations must be given notice in advance and encouraged by City staff to actively participate in future public hearings relating to land use, transportation, or other zoning matters in North Shattuck. In addition, a neighborhood-based committee should be established and formally recognized by the City to encourage citizen participation and to ensure the effective implementation of the area's zoning laws.

### The Existing C-1A Zoning

In November, 1980, the Berkeley Planning Commission unanimously recommended that the City Council amend the city's zoning ordinance to include the new C-1A, C-1B, and C-1C commercial districts. (See Appendix D for a summary of these use regulations.) The C-1A designation for North Shattuck permits many boutique-type specialty stores by right, with no use permit or public hearing required. The C-1A zoning allows most professional and general office uses to locate in the area with no review process. Administrative use permits, which may be granted by the city's Zoning Officer, are required for certain businesses, such as those that sell antiques, arts and crafts, bicycles, furniture, and stereo equipment. Permits may also be issued by staff for government offices and title companies. Under the current C-1A zoning, new uses over 4,000 square feet floor area, restaurants, stores that sell food "for immediate consumption," theaters, banks, churches, pet stores, and self-service laundries all require a use permit, to be issued by the Board of Adjustments after a public hearing.

The C-1A zoning currently in effect in North Shattuck does not attempt to regulate some of the commercial uses already prevalent in the district, i.e., specialty shops that stock gifts and clothing, and service providers such as beauty/barber shops and realtors. In addition, the Zoning Ordinance for Berkeley does not adequately address the issue of public review of new construction or major conversion of existing commercial space to more intensive use.

### Special Use Districts and a Proposal for Berkeley

Many residents and merchants in San Francisco neighborhoods are raising similar complaints to those voiced in the East Bay. Both groups

are worried that the city's unique neighborhood shopping districts are expanding too rapidly, are losing their neighborhood orientation in goods and services, and in general are suffering the same "growth pains" that are confronting Berkeley. The response of the San Francisco Planning Commission has been to institute a number of Special Use Districts. These districts establish, in addition to the current city-wide commercial zoning, a "set of special controls to regulate the size, density and other operational aspect of bars, restaurants, fast food establishments, places of entertainment, financial institutions, hotels, upper story uses, and other retail, commercial, and office uses."<sup>1</sup>

Under the Special Use District zoning, a commercial district like Union Street is able to impose a system of quotas that fixes a maximum allowable number (or total allowable square footage) on specific uses such as bars, restaurants, or banks. In addition to Union Street, special zoning controls for shopping areas of San Francisco have already been established on portions of 24th St., Sacramento St., and Castro St. Furthermore, the S. F. Planning Department has recently proposed to the Planning Commission that all current zoning codes for neighborhood commercial districts be scrapped in favor of zoning plans tailored to each shopping area. The new zoning controls are expected to go through the public hearing and voting process in Summer 1982.<sup>2</sup>

The North Shattuck neighborhood is unique in Berkeley in terms of the problems it faces as a result of rapid and unplanned commercial construction. We believe that this proposed Area Plan amendment to the city's

<sup>1</sup>San Francisco Planning Dept., Neighborhood Commercial Conservation and Development (October, 1979), p.10.

<sup>2</sup>"S.F. Zoning by Shopping Area Urged," San Francisco Chronicle, March 5, 1982.



Master Plan should, in essence, serve to establish a special use district in North Shattuck with specific zoning controls to guide further development. Instead of trying to come up with a list of specific uses that must be conditionally approved by City staff or an appointed board in several separate C-1A districts throughout Berkeley, we are recommending that a new zoning classification, uniquely written for the needs of the North Shattuck commercial district, be adopted. In addition, we also urge the adoption of a local Design and Use Review Committee, as described in Chapter III of this document, in order to facilitate implementation of the new zoning classification.

#### Proposed Zoning and Land Use Regulations for North Shattuck

The North Shattuck Area Plan will serve as an amendment to the City of Berkeley Master Plan, adopted by the City Council in 1977. Specific portions of the Area Plan, including the following section, the section entitled "A Proposal for A Neighborhood Based Design and Use Review Committee in North Shattuck" in Chapter III, and the portion of Chapter IV that details "Parking Policies," should also be amended to the Berkeley Zoning ordinance.

Below, we set forth the regulations pertaining to a new zoning category, the C-1 North Shattuck, or C-1NS designation, to take the place of the current C-1A zoning in the neighborhood. The proposed zoning text for the C-1NS category should be included under Section 9 of the Berkeley Zoning Ordinance.

## CHAPTER 9 NS

## Section 9NS.0 APPLICABILITY OF REGULATIONS FOR C-1NS DISTRICT

The following regulations shall apply to the special NS (North Shattuck) commercial district, hereinafter called "C-1NS," and shall be subject to the provisions of Chapter 15, provided that where conflicts exist, the provisions of this chapter shall take precedence over Chapter 15.

## Section 9NS.1 PURPOSES

- (a) To provide locations for retail goods and services to serve surrounding neighborhoods.
- (b) To provide locations for other activities compatible with these commercial activities.
- (c) To promote compatibility between such commercial areas and adjacent residential areas by protecting and maintaining residential uses on adjoining and nearby streets of the district.
- (d) To limit the space occupied by certain types of regionally-oriented businesses that generate high traffic volumes and have an adverse impact upon the surrounding residential neighborhood.
- (e) To limit space occupied by commercial uses, especially offices, that are more appropriately located in the downtown business district.
- (f) To limit the space occupied by specific retail uses that serve a regional market (except supermarkets) and that might, if not limited, displace businesses that are needed to serve the surrounding neighborhood.
- (g) To limit the space occupied by specific retail uses that are already represented in sufficient numbers to ensure competition in the commercial district, and that might, if not limited, cause the area to become associated with only one or two retail uses.
- (h) To encourage the establishment of new retail and service activities in the commercial district that are not already present and that would provide goods and services primarily for the residents of the surrounding neighborhood.

- (i) To mitigate the traffic and parking problems in the area which result from the patronage of retail services and stores.
- (j) To prevent development of commercial space exceeding the amount and intensity of use that can be served by available traffic capacity and potential parking supply.
- (k) To regulate the conversion of existing commercial space to more intensive, or inappropriate, uses.
- (l) To encourage an adequate commercial and residential mix along North Shattuck Avenue and to minimize traffic by requiring that new or converted commercial projects be accompanied by residential development sufficient to accomodate an increase in workforce.
- (m) To ensure that concerned residents and merchants in the area are notified, in advance and in an effective manner, of any applications for building, zoning, or use permits in the district.
- (n) To ensure that new buildings, alterations, and additions to existing buildings harmonize with their surroundings,
- (o) To require that all new construction, conversion, or remodeling of commercial space amounting to 1200 square feet gross floor area or more be reviewed by a committee of neighborhood residents and merchants to ensure that all purposes stated above are implemented in a fair and effective manner.

## Section 9NS.2 USES PERMITTED

- (a) Residential uses subject to the yard and usable open space requirements of Sec. 9NS.4, the height limitations of Sec. 9NS.8, and the parking requirements of 9NS.12.
- (b) Joint living and work quarters subject to the maximum commercial floor area limitations of Sec. 9NS.6(b), and 50% of their gross area shall be included in the commercial floor area limitation of Section /
- (c) Off-street parking, subject to the requirements of Sec. 9NS.12 and approval of access and other design features by the North Shattuck Design and Use Review Committee, as set forth in Sec. 9NS.13 and Chapter 20. 9NS.6(a)
- (d) Retail sales or services permitted by right:
 

art supplies	office supplies
bicycles	repair of household items
camera/photo supplies	self-service laundry
custom tailoring	sporting goods
drugs/personal care	variety (5 & 10) stores
fabric/sewing accessories	
flower/plant stores	



- (e) Uses permitted with the securing of an administrative use permit and review by the North Shattuck Design and Use Review Committee, set forth in Sec 9NS.13 and Chapter 20. The City's Zoning Officer may approve applications outright or forward them to the Board of Adjustments for a public hearing if the new use, in the judgement of city staff, would significantly impact the area in terms of traffic, parking, or other environmental factors. Uses marked with an asterisk (\*) are subject to use limitations outlined in Sec. 9NS.3, which must take precedence over any other administrative criteria. Variances that seek to over-rule these use quotas may not be granted by any city staff member or deliberative body without adequate notification to existing neighborhood organizations and a public hearing:

*bakery goods/confectioners	men's clothing
beauty/barber shops	musical instruments
book stores	second hand clothing stores
copying/printing services	travel agencies
hardware stores	

- (f) Uses subject to securing a permit issued by the Board of Adjustments following a public hearing and review by the North Shattuck Design and Use Review Committee. Uses marked with an asterisk (\*) are subject to use limitations outlined in Sec. 9NS.3:

animal care/pet stores	*offices, general & professional
automated bank teller machines, subject to Sec.9NS.3(b)	*off-sale alcoholic beverages
*banks/savings & loans	radio/TV/electronics sales
commercial recreation	record/tape stores
computer stores	*restaurants/delicatessans/cafes
daycare centers	studios, dance/artists, etc.
food stands/sidewalk vendors	*specialty food stores
food sales for immediate consumption incidental to other sales	video/pinball game machines incidental to another use (up to three machines)
*gift/novelties/stationary/antique stores	women's clothing
housewares/kitchen supplies	outdoor seating for eating and drinking patrons
insurance services	indoor seating for eating and drinking patrons if incidental to another retail use
laundry/dry cleaning services	

and other uses compatible with the purposes of the district

- (g) Uses that are presumed to be incompatible in the C-1NS district

auto/motorcycle sales, service  
adult-oriented businesses  
churches/schools  
drive-up windows incidental to a commercial use  
financial services other than banks/savings & loans  
fast food restaurants  
furniture/bedding stores  
hazardous chemicals storage/use

hospitals  
 government offices  
 major appliance stores  
 major utility company offices  
 manufacturing/wholesaling incidental to permitted use  
 medical/dental/veterinary offices  
 mortuaries  
 motion picture/legitimate theaters  
 music studios  
 pawn shops  
 private clubs  
 retail uses that occupy more than 3,000 sq. ft. gross floor area (excluding supermarkets)  
 service/gas stations  
 single offices over 1,000 sq. ft. floor area  
 state offices (State of California/University of California)  
 storage (over 25% floor space storage)  
 testing laboratories  
 title companies/real estate offices  
 trailer sales  
 transient residential use  
 video/pinball arcades (more than three machines in one location)  
 and other uses judged to be incompatible with the purposes of the district

### Section 9NS.3 USE LIMITATIONS

- (a) Alcoholic beverages (off-sale) other than beer and wine shall be sold only in establishments that have as their principal business the sale of food products including a broad selection of fresh meat and fresh produce.
- (b) The absolute number of sites in the C-1NS district occupied by banks and savings and loans, including accessory offices, shall not exceed five (5). The current number of sites in the district, as of March 1, 1982, is found to be five (5). Automated banking machines may operate only during business hours (7AM - 10PM) and shall not be deemed to occupy floor area. The absolute number of such machines shall not exceed three (3) in the North Shattuck district. Automated tellers must be located more than 100 feet from an "R" district, measured along street property lines.

- (c) Gross floor area in the C-1NS district occupied by restaurants, delicatessans, cafes, and take-out food establishments, i.e., establishments and portions of establishments that provide seating for eating and drinking patrons, including kitchen, storage, restroom, and other accessory space, shall not exceed 110% of the existing gross floor area devoted to such uses in the district as of March 1, 1982. The gross floor area as of that date is determined to be approximately 32,500 square feet. [Blayney measured 28,000 square feet as of that date, excluding Borelli's Deli (approx. 2500 sq. ft.), Vivoli's (approx. 1000 sq. ft.), and Toot's Croissant Cafe (1,000 sq. ft.).]

- (d) The addition of more than two tables and accompanying seats for eating and drinking patrons provided by any commercial establishment either indoors or outdoors shall secure a use permit. The addition of such an area by any commercial establishment shall be deemed to occupy space under the definition and limitation of Sec. 9NS.3(c), unless specifically exempted by a majority vote of both the Board of Adjustments and the North Shattuck Design and Use Review Committee.
- (e) Eating and drinking establishments and establishments selling food prepared shortly prior to sale for immediate or home consumption (carry-out) shall:
  - (1) Be more than 200 feet from an "R" district, measured along street property lines.
  - (2) Have no openings other than fixed windows and required fire exits within 50 feet of an "R" district
  - (3) Have no live entertainment that uses electrically amplified musical instruments.
  - (4) Not have sale of carry-out food to customers who park on-site as their principal business and not provide service to persons who remain in their cars.
  - (5) Not sell carry-out food in excess of an amount requiring two servers who complete preparation, package or serve, and receive payment.
  - (6) Use identifiable containers and napkins for all carry-out food and promptly remove any litter resulting. Agree to retain a contract litter service on a regular basis if the Zoning Officer, any other city official, or majority vote of the North Shattuck Design and Use Review Committee finds that a litter problem exists.
- (f) The absolute number of establishments having as their primary or secondary activity the sale of food specialized in nature, including bakery and confectionary goods, for consumption off the premises, shall be limited to a maximum quota of twenty (20) separate sites in the C-1NS district. The current number of such establishments in the district as of May 1, 1982, is found to be sixteen (16), as listed in Appendix C of the North Shattuck Area Plan.
- (g) The absolute number of establishments having as their primary or secondary activity the sale of gifts, novelties, stationary, and/or antiques shall be limited to a maximum quota of eighteen (18) separate sites in the C-1NS district. The current number of such establishments in the district as of May 1, 1982, is found to be fifteen (15), as listed in Appendix C of the North Shattuck Area Plan.



- (h) The absolute number of establishments having as their primary or secondary activity the provision of real estate or title search professional services, or the provision of any other professional services usually associated with realtors or title companies, shall be limited to a maximum quota of twelve (12) separate sites in the C-1NS district. The current number of such establishments in the district as of May 1, 1982, is found to be fifteen (15), as listed in Appendix C of the North Shattuck Area Plan. The number of such establishments found to be in excess of the maximum quota as of May 1, 1982, shall henceforth be deemed an incompatible use within the district, and shall be prohibited from any expansion of their space. In addition, such uses shall be prohibited from providing services on the original site in the event of fire or other natural catastrophe, or if services are dormant for a period of six months or more on the site. Other restrictions applying to incompatible uses within a district found in the Berkeley Zoning Ordinance shall also apply.
- (i) Gross floor area in the C-1NS district occupied by professional or general offices, excluding the specific uses regulated in Sec. 9NS.3 (b) and (h) above, including accessory offices, shall not exceed the current floor area in the district, as measured by city staff or members of the North Shattuck Design and Use Review Committee at the time of adoption of these regulations, plus 3000 square feet. The addition of new office space in the C-1NS district, either through new construction or conversion of any other space in the district, is restricted to 1000 square feet or less at each separate site or on a single parcel of land.
- (j) "Gross floor area," or "the absolute number of establishments," of specific commercial uses, as regulated in Sec. 9 NS.3 above, shall be determined through the cooperative efforts of city staff and the North Shattuck Design and Use Review Committee and shall be accepted as official for the purposes of implementing this chapter after a majority vote of the Planning Commission.
- (k) The use quotas established in Sec. 9NS.3 above shall be reviewed by the Comprehensive Planning Department and a report shall be prepared for the City Council twenty-four (24) months after the regulations are adopted for inclusion into the Zoning Ordinance. The report shall identify the positive or negative effects of Sec. 9NS.3(b) through (i) in carrying out the purposes set forth in Sec. 9NS.1. The report shall make recommendations concerning whether this part of the Zoning Ordinance should be left in operation, repealed, changed in some way, or expanded to allow the "use quota" concept to be established in other neighborhood shopping districts in Berkeley.
- (l) A proposal to construct a third supermarket in the C-INS district shall be required to secure approval through the Planned Development process outlined in the Zoning Ordinance.

- (m) An entrance to a self-service laundry or drycleaning establishment shall be more than 200 feet from an "R" district.
- (n) No business shall begin operation before 7:00 A.M. or continue beyond 10:00 P.M. unless a use permit is secured in each case.
- (o) No use shall be permitted in which more than 25 percent of the floor area is devoted to storage unless a use permit is secured in each case.
- (p) All activities and storage must be carried on within a building unless a use permit is secured in each case.

#### Section 9NS.4 RESIDENTIAL USE REQUIRED

Gross residential floor area on the site of new commercial buildings or commercial additions to existing buildings whose floor area totals 1200 square feet or more shall equal or exceed 75 percent of gross commercial floor area constructed or converted. Residential space shall be devoted to one-family dwellings, two-family dwellings, or multiple dwellings, including apartment houses, flats, and townhouses, and shall be subject to the following yard and open space requirements:

- (a) Yards shall be as prescribed in Sec. 9A1.9, provided that a yard adjoining an interior property line shall be 10 feet opposite a required living room window and 5 feet opposite a required window in any other habitable room. Required yards shall extend 6 feet in both directions measured parallel to the window requiring the yard from its centerline and shall extend upward from the window sill. Distances between buildings on the same site shall be as required in the "R3" district.
- (b) Each dwelling unit shall have usable open space of at least 40 square feet with no dimension less than 6 feet.

#### Section 9NS.5 AFFORDABLE SPACE FOR HOUSEHOLD REPAIR SERVICES REQUIRED

The owner of new, added, or converted commercial space exceeding 6,000 square feet on a site shall, prior to initial occupancy of the premises, offer during a period of 60 days or more leases of two years or longer for up to 10 percent of the gross floor area for occupancy by businesses having as their principal source of income on-premises repair of shoes, small household appliances, jewelry, bicycles, or clothing alterations at a rent per square foot not exceeding 50 percent of the average base rental obtained or sought for all other rental space on the site. Such leases may contain provisions allowing total rent per square foot to rise to the average for the site after one year if sales volume per square foot equals or exceeds the average for the site.

#### Section 9NS.6 MAXIMUM COMMERCIAL FLOOR AREA PER SITE AND PER ESTABLISHMENT

- (a) The maximum floor area occupied by retail or service uses on a site, including storage space, outdoor eating or sales area,

and circulation area other than landscaped open space accessible to the public and visible from the street, shall not exceed the length of the longest single lot line abutting a street times 80 feet, provided that the total shall not be greater than 80 percent of the area of an interior lot or 100 percent of the area of a corner lot.

- (b) The maximum gross floor area occupied by a business shall be 3,000 square feet, except that the maximum for an eating and drinking establishment shall be 2,500 square feet. A super-market, defined as a business selling food products including fresh meat and produce, may exceed 3,000 square feet.

#### Section 9NS.7 MINIMUM FRONTAGE PER ESTABLISHMENT

- (a) The maximum number of retail and service establishments permitted on a site shall equal the longest length of lot frontage on Shattuck Avenue or on Vine Street divided by 15 feet plus the length of any other lot line adjoining a street divided by 30 feet. An additional establishment shall be permitted for a fractional number of .50 or more, but shall not be permitted for a fraction of less than .50.

#### Section 9NS.8 BUILDING HEIGHT: MINIMUM AND MAXIMUM

- (a) Minimum height shall be 2 stories; maximum height shall be 3 stories not exceeding 35 feet.
- (b) Any residential window oriented within 30° of south, not currently shaded more than two hours between 9 A.M. and 3 P.M. on December 21, will be considered a solar collector. New buildings and vegetation may not cause a solar collector to be in shade more than a total of two hours between 9 A.M. and 3 P.M. on December 21, except that new single family and duplex housing may be built to a height of 18 feet at the legal setback line.

#### Section 9NS.9 YARDS REQUIRED

No yard shall be required except the following:

- (a) Where the side of a lot abuts an "R" district, the minimum side yard shall be 5 feet.
- (b) Where the rear of a lot abuts an "R" district, the minimum rear yard shall be 10 feet or 10% of the lot depth, whichever is greater.
- (c) Where the street frontage of a lot is adjacent to an "R" district, the minimum front yard depth or side yard width of the street side adjacent to the "R" district shall be the same as is required for such "R" district.
- (d) Where a lot has frontage on two streets and both frontages are adjacent to "R" districts, the minimum front yard depth



and side yard width on the street side adjacent to the "R" district shall be the same as required for the "R" district.

- (e) The yards specified above may be reduced where it is determined by the North Shattuck Design and Use Review Committee that a lesser required yard would provide greater privacy or improved amenity to property in the "R" district.

#### Section 9NS.10 SPECIAL CONTROLS ON SITE DEVELOPMENT, BUILDING ORIENTATION, AND EXTERNAL EFFECTS

The following special requirements shall apply to retail, service, or office space in the C-1NS district unless the NS Design and Use Review Committee waives such requirements:

- (a) Display windows and customer entrances other than required exits shall not face a contiguous "R" district.
- (b) Exterior lighting shall be shielded or designed so as to avoid direct, offensive glare, as judged by the Zoning Officer or a majority vote of the North Shattuck Design and Use Review Committee.
- (c) An adjoining lot in an "R" district shall be screened by a solid wall or fence 6 feet high measured from existing grade at the property line in the "R" district, provided that a higher or lower wall or fence may be required by the Design and Use Review Committee.
- (d) Mechanical and electrical equipment shall be shielded so that noise levels from such equipment will not exceed 45 decibels (A scale) measured at the property line. Exhaust ducts shall be located or directed away from an abutting "R" district.
- (e) The following special requirements shall apply to the construction of new buildings, additions thereto, remodelings and conversions of more than 1,200 square feet of existing commercial, office, or residential floor space within the C-1NS district, except as noted below:
  - (1) Restrict ground floor street frontage for retail uses only.
  - (2) Restrict new office uses in the first twenty feet of ground floor space, excepting travel agencies.

#### Section 9NS.11 DEMOLITION

A demolition permit for a main structure shall be issued only following issuance of a building permit for improvements that require the demolition and approval by a majority on the North Shattuck Design and Use Review Committee, provided that a demolition permit may be issued at any time when required for reasons of public health and safety.

## Section 9NS.12 PARKING

(These regulations are included in Chapter IV, under "Parking Policies.")

## Section 9NS.13 DESIGN REVIEW REQUIRED

(These regulations are included in Chapter III, under "A Proposal for a Neighborhood-Based Design and Use Review Committee in North Shattuck.")

### Land Use Proposals Other Than Zoning Text Revisions

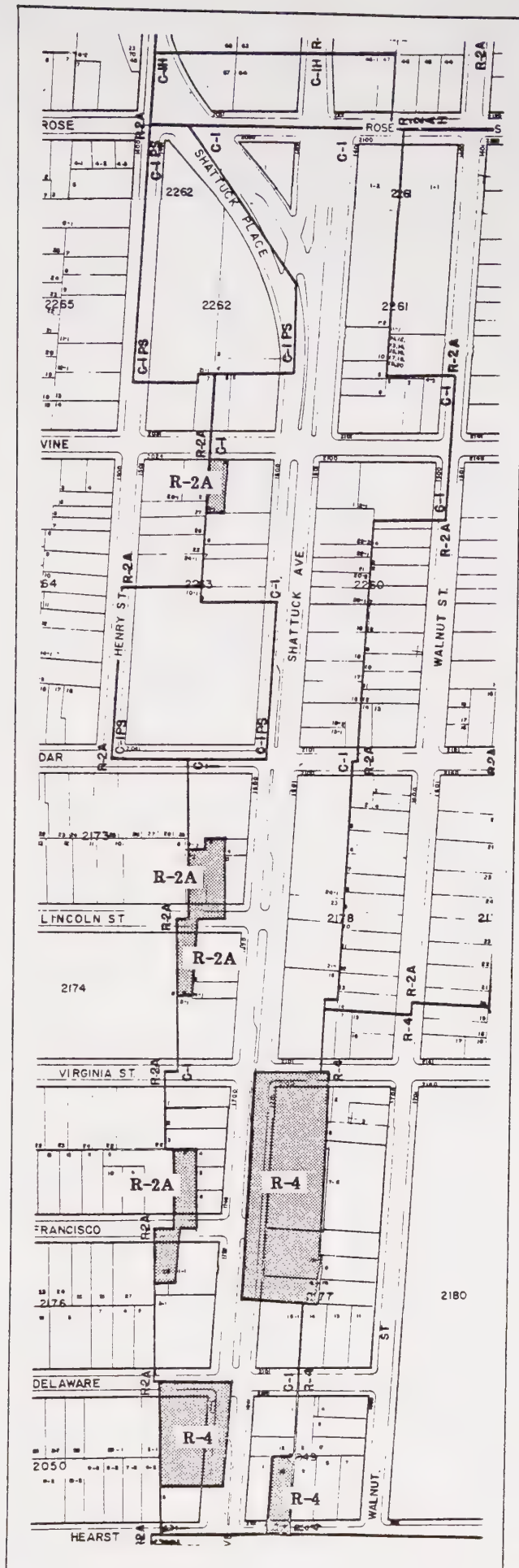
Seven parcels now zoned C-1A are in residential use, have no Shattuck Avenue frontage, and adjoin residential districts along their side lot lines. Consistent with the principle of limiting the potential expansion of the commercial district, these parcels should be reclassified to the abutting "R" district.

The parcels containing large apartment buildings on the east side of Shattuck Avenue between Virginia and Delaware Streets, and the parcel containing the residential complex on the west side of Shattuck between Delaware and Hearst Streets, should also be reclassified from C-1A to R-4 to reflect their current use. (see Map 1)

Four other parcels of land currently in commercial use should be rezoned to residential (R-4) zoning. The four sites are identified on Map 2 as the Chevron gas station, the Kentucky Fried Chicken and the H. Salt Esquire Fish and Chips fast-food restaurants, and the Fill-Em Fast gas station. The two gas stations are already considered incompatible use under the temporary C-1A Zoning. The fast-food restaurants are not currently prohibited in the regulations but are implicitly considered incompatible.

Reclassification of these four parcels to an R-4 category would accomplish two important goals. First, it would allow three story apartment

Map 1



Tone Indicates Parcels  
Proposed to be Reclassified from  
C-1 Districts to R Districts

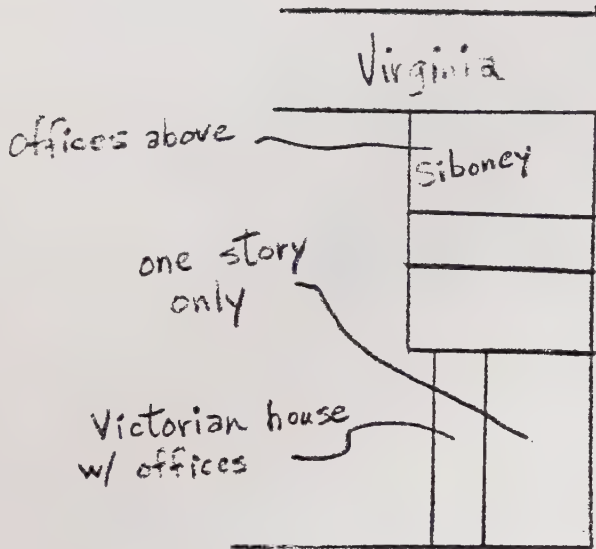


0' 500'

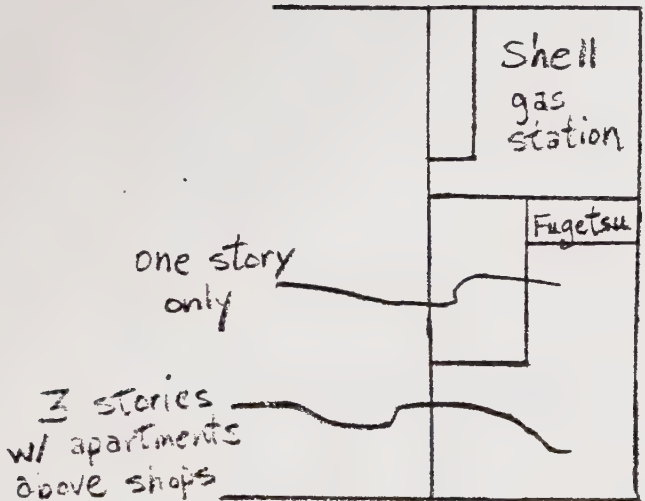
Source: City of Berkeley Comprehensive  
Planning Department

North Shattuck Commercial Area

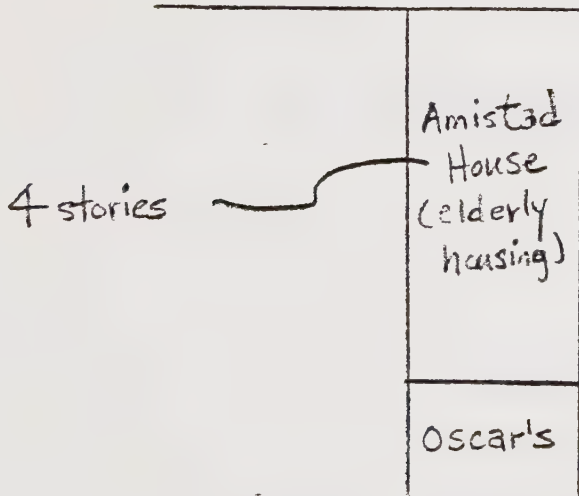




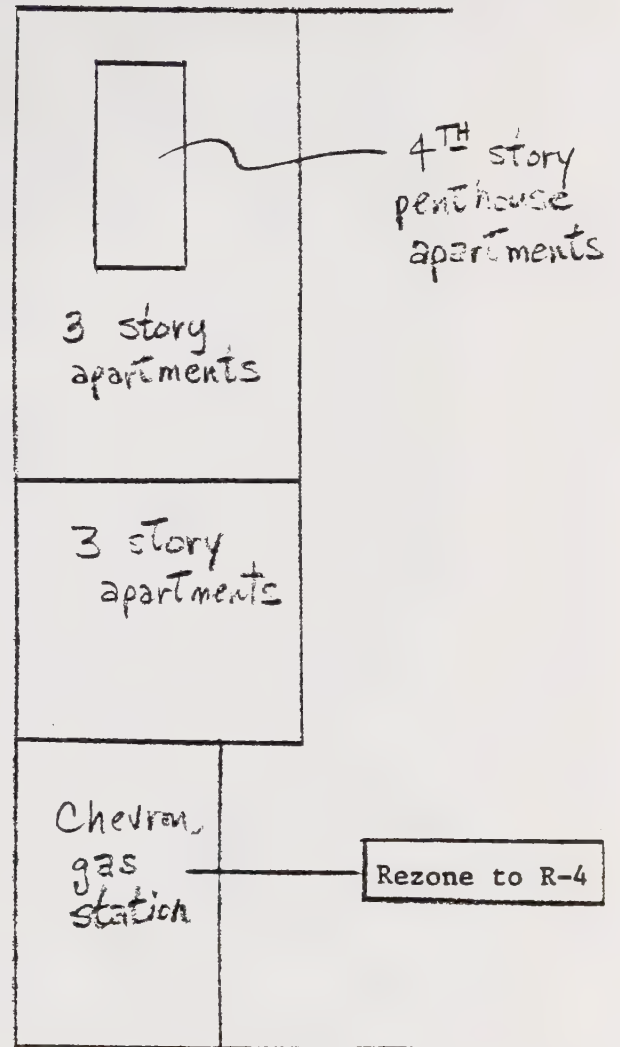
Francisco



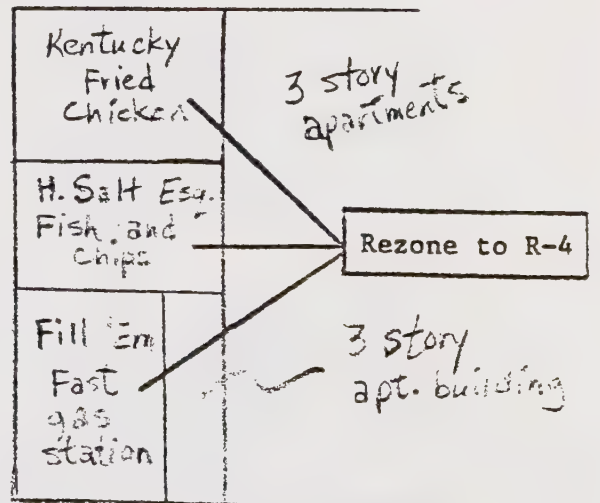
Delaware



Hearst



Shattuck Avenue



8 stories

buildings to be constructed on the sites. The additional apartments would be especially appropriate for the area since they could provide needed housing for students or downtown workers and because the lots already abut similar three story apartment buildings. Secondly, by allowing residential uses to naturally succede the current auto-oriented commercial uses of the four parcels, a highly desirable "buffer" along Shattuck Avenue between the downtown business district and the community shopping district is established.

A policy explicitly encouraging such "buffer" zones along commercial corridors is not found in Berkeley's 1977 Master Plan. However, previous Plans for the city have specifically warned that continuous "strip" retail development radiating out from the downtown to the neighborhoods should be avoided on aesthetic and practical grounds for all but a few of Berkeley's thoroughfares. Rezoning these few parcels along North Shattuck Avenue would ensure for future generations of North Shattuck residents that unsightly strip development would not turn the neighborhood corridor into simply an extension of downtown activities.

#### Extension of Area Plan Protections to the Berkeley Way/Henry St. Residential Area

The residential area bounded by Berkeley Way, Hearst, Henry St., and Grove Streets is considered to be a natural extension of the North Shattuck neighborhood, even though it is not explicitly defined as such for the purposes of this Area Plan. The same residential land use regulations and protections should apply to this neighborhood in order to preserve these few blocks as a vital "buffer zone" separating the downtown business district and the residential areas of North Berkeley.

### III. DESIGN AND USE REVIEW ELEMENT

The purpose of this chapter is to discuss the framework for a locally based committee of North Shattuck residents and merchants charged with the responsibility of reviewing all change of uses and significant design alterations in the neighborhood. This committee, which could be replicated in other neighborhoods of the city, would serve both a "watch dog" and direct review role.

#### Design Review in Rockridge<sup>1</sup>

The Rockridge neighborhood is located in North Oakland along a major commercial arterial, College Avenue. The Rockridge Design Review Committee has been active in that neighborhood for many years and seems to have enjoyed a fair degree of credibility with College Avenue merchants, homeowners, City of Oakland planning staff, and Planning Commission members. One reason for its success has been the active role that merchants have played, adding a strong "peer review" sense to recommendations made concerning commercial uses and design.

The Committee is composed of twelve members, six of which are merchants from College Avenue, and six of which are residents drawn from six separate "sub-neighborhoods" of the larger area. The official jurisdiction of the Committee is quite large, running roughly from Telegraph Avenue eastward to the Hills, and from the Berkeley city limits to Broadway. The name of the Committee is misleading, as the chair of the group told us, since the Design Review Committee actually spends much of its time reviewing and

<sup>1</sup>The following information comes from Tom Walsh, chair of the Rockridge Design Review Committee.



commenting upon land use issues in the commercial corridor, as well as in the large residential areas of its jurisdiction.

The Committee has no formal schedule of meetings, but instead the chair feels free to call meetings when he believes there is an important topic to discuss. The Oakland Planning Department and Zoning Division sends all notices regarding change of uses, design modifications, building permits, etc. in the Rockridge area to the chair of the Committee, as well as some of the merchants on the board. The chair then reviews all materials sent to him on a regular basis and calls other members of the Committee about those items which he feels are important. The committee generally meets about six to ten times each year to discuss major use permit applications. At these meetings, the applicant is asked to attend in order to solicit the Committee's support for hearings at the Planning Commission or City Council level, and to answer any questions Committee members may have about the project. In addition, Oakland planning staff refers all potential developers to the group as part of the overall process of securing permits. The Committee chair says this system is very effective; they have not had a situation where a developer of a major project has not come to their group. In addition to developers, the Committee asks residents from the "sub-neighborhood" involved in the use or design change to attend the meetings, so the Committee as a whole may consider their recommendations. Upon coming to a decision about the proposed permit application, the Committee generally writes a letter to the Planning Commission, and occasionally individual members testify before it.

Proposal for a Neighborhood-Based Design and Use Review Committee in North Shattuck

Section 9NS.13 DESIGN AND USE REVIEW REQUIRED

All formal applications and descriptions of new construction, conversion, and major remodeling projects, and all changes of uses in the C-1NS district shall be submitted to the North Shattuck Design and Use Review Committee by City of Berkeley staff. The chair of the Committee shall convene the committee upon receipt of such application(s). City planning staff, Planning Commission, Board of Adjustments, and City Council shall refer items regarding the North Shattuck Area to the Committee for their review and relevant testimony.

The membership of an interim (2 year) Committee shall be proposed by the North Shattuck Area Plan Oversight Committee and accepted by the Planning Commission by resolution. Before the end of the 2-year interim period, under which all regulations of the C-1NS district will apply, the interim Committee shall recommend to the Planning Commission a final process for selection of members for an ongoing North Shattuck Design and Use Review Committee composed of neighborhood residents and local business owners. The ongoing (permanent) Committee shall begin serving 24 months following adoption of this ordinance, and shall serve for 2 years. The Committee shall consist of 5 persons, including design and other professionals residing in the area, representatives of neighborhood organizations, and merchants and/or commercial property owners within the area. The Committee shall elect a Chairperson and shall keep minutes of its proceedings.

An Approach to Design for North Shattuck

By Lois Green of the Land Use Sub-Committee

The ambience of North Shattuck is vulnerable to incompatible architecture and facade treatment, as evidenced in some recent ventures. It is proposed that a North Shattuck Design and Use Review Committee be established to help new developers, renovators, owners, and tenants maintain the spirit of the neighborhood.

The Committee would have a quasi-official status, in that it would be recognized by the City Planning Commission and City Council as an advisory body which would be on the City's automatic notice list for all new developments, renovations, and remodelings. The Committee itself could initiate a voluntary review process for other new owners and occupants.

The Committee should include local design professionals, community residents and merchants to be assembled by the North Shattuck Area Plan Committee.

The Design Review Committee's role would be to attempt to ensure that new developments, new businesses, and renovations embody design appropriate to the area. Hard and fast rules, however, do not seem to apply because there is no characteristic building on North Shattuck, but many that contribute variously to the ambience: the community bulletin board effect of the Cheese Board window, the logo and window box of Pig-by-the-Tail, the brick forecourt at Warszawa, the crisp image created with paint at Le Poulet.

Renovators and new developers should be encouraged to think of their structures and signs in relation to immediately adjoining buildings and in relation to the entire stretch in terms of compatibility of scale, shape, materials, and colors.

The Design and Use Review Committee might guide new owners, developers and occupants with a library of photos of appropriate buildings, stretches of buildings, and signs to help explain what we as a community feel comfortable with.

The work of the Committee might be enlarged to establish a visual sense of community for the length of North Shattuck Avenue. This might be accomplished by suggesting an overall unity in the form of a consistent tree planting program and the introduction of a color palette for the stretch so the lively variety of the street would flourish within a unified format.



#### IV. TRANSPORTATION, TRAFFIC, AND PARKING ELEMENT

One of the main reasons for preparing this Area Plan is to correct what the neighborhood perceives as a run-away problem of auto congestion, lack of adequate parking for both residents and patrons of local shops, and the inadequacy of the current zoning regulations to require new commercial developments to provide off-street parking. In this chapter, we will present the parking and transportation goals that have been developed in committee, propose specific parking policies and a preferential parking program for the North Shattuck neighborhood, and suggest ways in which street improvements and changes in public transportation may be implemented.

##### Parking and Transportation Goals

The overall parking and transportation goal of the Area Plan is to provide an adequate amount of parking in the area for shoppers and neighborhood residents while attempting to mitigate the most detrimental side-effects of shopper traffic (e.g., increased hazards to pedestrians, air and noise pollution, and unsightly parking lots).

The Area Plan Committee recognizes the difficulty of attaining this goal in the context of current North Shattuck Avenue development, and proposes to address it in two ways. 1) All new developments or major conversions should provide their own on-site parking to the extent that it is physically possible or contribute an "in-lieu" fee to a publicly developed alternative. Alternatives to on-site parking include encouraging alternative forms of transportation, modifications to existing streets or parking areas, provision of pedestrian amenities, or the provision of additional parking spaces in publicly owned areas. 2) It is acknowledged that the cost of providing parking spaces or payment of in-lieu fees will be passed on to merchants in

the form of higher rents, which affects the type and prices of goods and services offered in the North Shattuck neighborhood. Accordingly, parking requirements proposed here shall not apply to all existing uses in the district at the time this plan is adopted, only new construction or conversions. Further, a preferential parking program that protects the availability of on-street residential parking spaces shall be adopted to address the current parking problem without unduly affecting the district's merchants.

The Area Plan proposes that all new commercial construction, conversions, or renovations over a total gross floor area of 1200 square feet, be required to provide parking or pay a graduated in-lieu fee. At the same time, it is strongly urged that the Preferential Parking Ordinance currently in effect in the Bateman neighborhood be modified to simplify the adoption of such a program in North Shattuck, and to reduce costs of resident permits to a level that accurately represents the costs associated with providing enforcement.

### Parking Policies

The following parking policies shall guide future commercial development, whether through new construction or major renovations of existing buildings, in the North Shattuck area. As such, we urge that sections (a) through (k) below be included under Section 9NS of the Zoning Ordinance.

#### Section 9NS.12 PARKING

- (a) No decrease in the amount of present off-street parking shall be allowed except by variance with a public hearing. No decrease in the amount of current on-street parking shall be allowed adjacent to commercially zoned property.
- (b) Any new construction or conversion of more than 1200 square feet shall provide some bicycle parking.

(c) A special formula shall establish off-street parking requirements for all new development and all conversions of over 1200 square feet of commercial or residential space. This parking requirement shall be imposed in one of three ways:

- (1) On-site parking shall be provided at a ratio of 2.5 spaces per 1,000 gross square feet of commercial floor area, except that 1 space per 300 gross square feet shall be provided by restaurants.
- (2) If the provision of on-site parking is not physically feasible, new commercial developments, conversions, and substantial enlargement of existing commercial uses over a gross floor area of 1,200 square feet shall pay an in-lieu fee, as determined in Section 9NS.12(c)(8), for each required parking space. This fee shall be paid to the City of Berkeley, and funds so collected must be used to mitigate traffic congestion, encourage use of transportation alternatives to the automobile, and provide for parking in the North Shattuck neighborhood. Specific mitigation measures may include improving public transportation, improved landscaping, or developing public parking in the district. The in-lieu fee program should in no way be construed as precluding the creation of a parking assessment district at a later date. Monies collected through an in-lieu fee program shall not be used to finance general City of Berkeley infrastructure improvements, or co-mingled with the General Fund of the City of Berkeley to finance improvements or projects outside of the C-1NS district.
- (3) In-lieu payments (and/or requirement of mandatory parking spaces) shall be required according to the following schedule and shall apply to any new commercial construction, conversion, or addition in the C-1NS district based on total gross square footage.

<u>Gross floor area of new construction, additions, and/or conversions (square feet)</u>	<u>In-lieu payments required as % of estimated total cost of parking required</u>	<u>Parking spaces required (and in-lieu payment)</u>
0-1200.....	No payment	0
1200-1600.....	10%	3-4
1600-2000.....	15%	4-5
2000-2400.....	20%	5-6
2400-2800.....	25%	6-7
2800-3200.....	30%	7-8
3200-3600.....	35%	8-9
3600-4000.....	40%	9-10
4000-4400.....	45%	10-11
4400-4800.....	50%	11-12
4800+.....	50% + mandatory provision of at least 50% of required parking spaces on site with a pro-rated reduction in in-lieu fee for spaces provided in excess of 50% requirement.	



(A more complete calculation of in-lieu payments, and a comparison of this in-lieu payment schedule and the one proposed by John Blayney, is included in Appendix E of the North Shattuck Area Plan.)

- (4) Construction, conversion, or substantial renovation of residential uses within the C-1NS district shall be required to provide parking in accordance with the requirements for parcels zoned R-4 as set forth in the Berkeley Zoning Ordinance.
  - (5) There is no community support for the construction of a multi-level parking structure in the C-1NS district at this time. Monies collected from in-lieu payments shall not be applied to such construction of a parking structure without a majority vote of the North Shattuck Design and Review Committee and two public hearings in the North Shattuck neighborhood.
  - (6) Definitions of "conversions," "renovations," "remodeling," and "additions" are to be applied in accordance with Chapter 22 Section 22.18-2 (amended by this Area Plan).
  - (7) If the provision of on-site parking is not physically feasible, leasing of nearby parking shall be an acceptable alternative to payment of the in-lieu fee only if all of the following conditions are met: parking space(s) are within easy walking distance of the commercial establishment, and the term of the lease for the parking space(s) is for the same period of time as the tenant's lease (or in the event the owner of the building is securing parking by lease, 48 months or more), and the lease of the parking space(s) shall apply to normal, day-time hours of operation (i.e., 8:00A.M. - 6:00 P.M.), and no "double leasing" of parking spaces by more than one establishment at the same time during the day may occur.
  - (8) The cost of one "in-lieu parking space" shall be determined as of January 1 each year by the City Council based on the estimated cost of land in the C-1NS district and the estimated construction cost of a parking space in a three-level structure.
- (d) All new commercial parking areas shall have access only from major commercial arterials such as Shattuck Avenue or commercially-zoned intersections. No access shall be permitted on residential streets.
  - (e) All new parking areas shall be screened from all streets with permanent landscaping and/or permanent fencing. All new on-site parking areas shall be reviewed by the North Shattuck Use and Design Review Committee.
  - (f) Existing parking areas should be encouraged to allow non-shopper parking during off-business hours such as evenings and

weekends. Specific encouragement should be directed toward Safeway management to allow some non-shopper use of their underutilized underground parking garage on Henry Street. Other parking areas should be closely investigated to see if a more efficient use of the space can be accomplished.

- (g) Parking meters installed in the North Shattuck area should be increased to a two-hour limit to allow for shopper parking.
- (h) Residential streets adjacent to commercial areas should be measured for a majority of small compact cars, and parking spaces striped appropriately in order to allow for maximum on-street parking.
- (i) Commercial vehicles which decrease on-street parking shall not be permitted, i.e., the "Produce Truck" or any other transient or mobile business. All vehicles that operate as businesses should be required to secure a use permit and contribute to in-lieu fees. Sidewalk businesses should be reviewed on a case-by-case basis by the North Shattuck Use and Design Review Committee and other deliberative bodies.
- (j) All new commercial construction or major conversion over 5000 sq. ft. shall be required to provide off-street service areas.
- (k) The parking plan developed by the City of Berkeley for the Rose-Shattuck intersection east of the new Shattuck Commons building should be implemented with minor modifications. (See Appendix F for a sketch of this plan.) Funding for this project may be derived from fees imposed on new developments and new use permits in the area. The plan should be especially sensitive to improved traffic flows and safer pedestrian crosswalks.
- (l) Public parking projects, such as the proposal outlined above in (k), shall not be paid for with general tax generated revenues.

Revisions to the Administrative Provisions of the Zoning Ordinance Required by the New Zoning District "C-1NS."

## Amendment to Chapter 22: Definitions

### Section 22.18-2: CONVERSION

A conversion in the C-1NS district shall be construed as any change from one land use category to another (e.g., residential to commercial), or any change in commercial use from one type to another (e.g., retail to office), or the addition of another like or dissimilar commercial use to an existing commercial space so that the total number of establishments in a given commercial space is increased by 1 or more. (Examples: The subdivision of an existing shop into two smaller shops, the conversion of a retail clothing store into a restaurant, or providing take-out food services in an existing retail store.)

An exemption from the requirement to provide parking and/or in-lieu payments for a conversion in the C-1NS district may be granted through a variance procedure by a majority vote of both the Board of Adjustments and the North Shattuck Design and Use Review Committee only if the applicant can prove in a quantitative manner satisfactory to the majority that the change in use from one commercial establishment to one other commercial type does not represent an intensification of use, but rather a de-intensification of use.

#### Section 22.18-3: RENOVATION

A renovation in the C-1NS shall be construed as a conversion and shall be subject to the same requirements and regulations as a conversion, as defined in Section 22.18-2.

#### Section 22.18-4: REMODELING

A remodeling in the C-1NS district shall be construed as an esthetic or functional physical alteration to an existing commercial space where no change of use or addition to the gross floor area in excess of 1200 square feet is made. However, remodeling of a space over 1200 square feet for the purposes of accomodating increased commercial activity or uses shall be considered a conversion for the purposes of this district.

#### Section 22.18-5: ADDITION

An addition in the C-1NS district shall be construed as a physical enlargement of the gross floor area of an existing use, in excess of 1200 square feet, for the purposes of expanding operation of one or more already existing commercial uses. Enlargements to accomodate new or changed uses shall be considered conversions for the purposes of this district, regardless of the size of the enlargement. Enlargements less than 1200 square feet where no new or changed uses are proposed shall not be subject to the parking requirements as set forth in Section 9NS.12(c)(1).

#### Proposal for a Preferential Parking Program

The North Shattuck Area Plan Committee strongly urges the creation of a preferential parking program for the North Shattuck area. This program should incorporate limited on-street parking for visitors without stickers, and unlimited parking on-street for residents with stickers. The preferential parking program can operate in a similar fashion as in the Bateman neighborhood of Berkeley, with several notable modifications:

- (1) The requirement that 80% of the residents in a neighborhood sign a petition requesting preferential parking is excessive and must be lowered to a figure that is more reasonable.



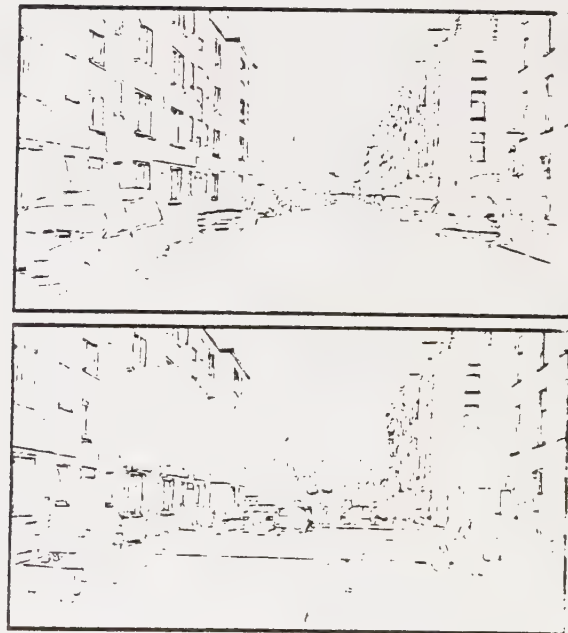
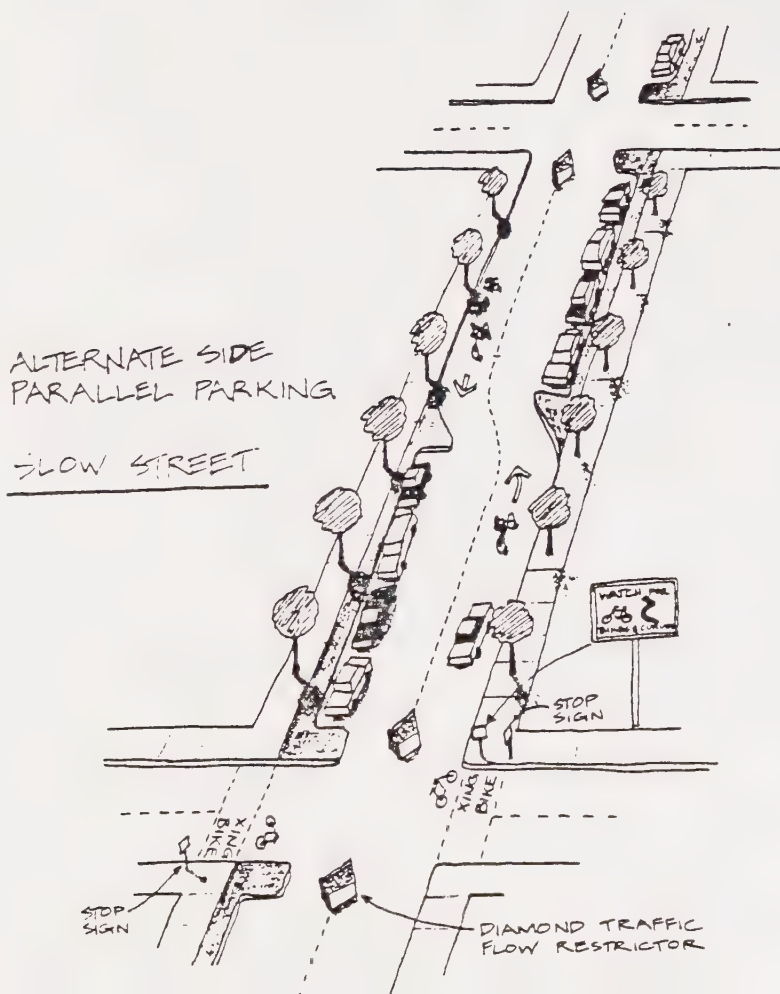
- (2) There is strong feeling that a \$25 fee per resident car is unduly burdensome for those families with more than one vehicle. We believe a successful program can be implemented for a lower resident fee.
- (3) Those retail shops or offices along Shattuck Avenue without current access to on-site parking may purchase one preferential parking sticker each at a reasonably high price (i.e., a price that will take into account the price of leased parking in North Shattuck). The revenues from these sales should help to bring down the price of stickers for the residents in the area.
- (4) Any leftover revenues from the preferential parking program in North Shattuck, i.e., money left after administrative costs have been subtracted out, shall be specifically earmarked for the North Shattuck neighborhood. These revenues can go toward mitigation measures to improve overall parking and traffic in the area, but shall not be returned to the City's General Fund.

#### Street Improvements

The following specific street and traffic improvements should be implemented by the City Public Works Department with the help of additional revenues generated by both the preferential parking and in-lieu fees programs. Of paramount importance to the community is the improvement of the very dangerous pedestrian crossing at the intersection of Shattuck Avenue and Vine Street. Several people have already been seriously injured at this location, and more accidents will certainly occur until a traffic signal is installed.

- (a) A traffic signal shall be installed at Shattuck and Vine.
- (b) Mid-block pedestrian crossings along North Shattuck Avenue shall be enhanced with landscaping, decorative paving and warning signs. Specifically, the crossings between the Lucky and Safeway supermarkets, as well as between the Co-op market and the Post Office, should be improved as soon as possible.
- (c) Eliminate the flashing red and yellow lights on signal at the intersections of Oxford/Rose and Hearst/Milvia during the evening hours. These signals have been the cause of numerous accidents, and should be returned to the normal red and green operations at all hours.

- (d) Investigate the possibility of turning Vine Street, between Shattuck and Walnut, into a semi-mall with decorative paving. The traffic flow resulting from this proposal should be carefully studied before implementation.
- (e) Oxford Street between Eunice and Rose is currently unsafe for nearby residents since it encourages high speed traffic. This section of the street should be studied in order to implement "speed bumps," diverters, or some physical form of controlling the traffic flow.
- (f) Improve bicycle facilities in the neighborhood by adding lockers and rings on parking meters.
- (g) Investigate the possibility of turning Milvia Street, between Cedar and Hearst, into a "slow street." (See illustration below.) Such a slow street would give bicycles and pedestrians equal priority with autos, as the idea is currently being proposed to the City's Transportation Commission by Urban Ecology and the East Bay Bike Coalition.
- (h) Investigate the possibility of converting other residential streets in the North Shattuck and other neighborhoods into "woonerfs"--streets which give priority to pedestrian and resident uses instead of auto traffic. "Woonerfs" have been implemented extensively in the Netherlands, and are extremely popular in other European and some American cities (e.g., San Francisco). (See illustration below.)



Woonerf: before and after drawings showing the transformation of a conventional street into a woonerf. From Woonerf de Westerstadsinut Amsterdam

## Transportation Improvements

Although many transportation policies are determined at a city and even regional level, we believe it is important to state our support for several innovative programs that should be encouraged in the North Shattuck neighborhood whenever possible.

- (a) As part of the use permit process, all new businesses should be required by the City to develop an approved transportation management program for employees and patrons. Such programs shall encourage car pooling, use of public transit, flex-time, and other plans that decrease the amount of traffic and parking in the neighborhood.
- (b) Regional commuter buses, such as the UC-Davis and Sacramento bound buses which use North Shattuck for parking should be relocated to some other neighborhood that offers more available on-street parking.
- (c) All shuttle bus programs presently being developed by the City's Transportation staff are supported in this plan.
- (d) A.C. Transit should be encouraged to reinstitute shopper round-trip passes.
- (e) Benches and bus stop shelters do much to improve the pedestrian amenities in a neighborhood and would be especially welcome in some parts of North Shattuck.

### Additions to Chapter VI (July 13, 1982)

1. Residential Street Policy
 

Any five (5) block or greater portion of any street which is exclusively zoned residential shall be subject to the following policies:

  - (a) The City of Berkeley shall consider such a portion of street to be residential. City transportation policies and programs must reflect this consideration. Such portions of streets shall not be subject to policies or programs which promote their use as commuter thoroughfares.
  - (b) Any block within such a portion of street may, subject to design and funding mechanism approval by 67% of the property owners, undergo a renovation to enhance the aesthetic qualities and give higher priority to pedestrian and resident uses (woonerf concept-- see p. 40 of North Shattuck Area Plan).
- 2 Public parking lots in the downtown Berkeley area should have parking fees which greatly discourage all day commuter parking, except for carpools and vanpools. This would allow more parking for downtown shopping needs.



## V. ENVIRONMENTAL ELEMENT

### General Environmental Concerns

1. The City should institute a comprehensive curbside recycling program, as is currently being discussed by the City Council. El Cerrito, for example, has found that a recycling program is much cheaper than transporting garbage outside the city. Efforts by the city staff or other individuals to develop, initiate, and promote an experimental, neighborhood-wide curbside recycling program in the North Shattuck are encouraged and will be fully supported.
2. An ordinance should be passed which requires that mandatory energy conservation and weatherization be done on all existing rental units (commercial and residential) to a point of cost-effectiveness, as is now in effect in Portland, Oregon. Present California energy conservation standards apply only to new construction. The only local law, RECO, applies to residential units only at the time of sale. There is currently no incentive for rental property owners to conserve because they pass the cost on to the renters. The more we spend on energy resources, the more income flows out of the local economy. Mandatory conservation will be an investment in the local economy and could provide jobs as well.
3. Merchants should take more responsibility for their patrons' refuse. In addition, trash receptacles should be provided in commercial areas.
4. There should be a ban on the use of radioactive (ionization type) smoke detectors for the following reasons:
  - a. Toxicity
  - b. Fire and other disturbances can breach the containment and result in exposure
  - c. If the device survives the useful lifespan it will be disposed of, resulting in contamination of the environment.
  - d. There is an alternative photoelectric device which is more effective and readily available.
5. The air quality in our area should be investigated. If there is a problem, the City should exert influence on the local Air Pollution Control District to take clean-up measures.
6. Alternatives to construction of a burn plant at the City's 2nd & Gilman St. refuse transfer site should be realistically assessed and supported.

## APPENDICES

Appendix A	Tenants in North Berkely Centre
Appendix B	Tenants in Shattuck Commons
Appendix C	Detailed Inventory of Certain Uses
Appendix D	Use Regulations in the C-1A Commercial Zoning District (chart)
Appendix E	Comparison of Blayney and NSAPC Parking and In-Lieu Payments Schedules
Appendix F	Recommended Parking Plan for Shattuck/Rose
Appendix G	Relevant Newspaper Articles

## Appendix A

### Tenants in North Berkeley Centre

#### First Floor

Golden Calf	Funny Farm of England
Sweet Temptations	Patience Corners
Le Crayon	Ben Franklin Books
Iris Too Gallery	Ag Photo
On Edge	B&W Gourmet Coffee & Tea
Papyrus	On Guard
Toots Croissant Cafe	Dahlia
Flash In The Pan	

#### Second Floor

Family Law and Counseling Services  
(six individuals incl. Ph.D.'s  
and J.D.'s)  
Genji Japanes Restaurant  
Lamori Interiors  
Fleet Street Hair Design  
Sew What  
Momiji  
About Face  
Walnut Realty  
(five individuals incl. realtors,  
contractor, accountant, and appraiser)  
Hansa Gifts and Jewelry  
California International Commodity  
Virgin Records  
Moods for Moderns  
Out Back  
Emerson & Gunderson

#### Basement

Mills Musical Gifts  
First String  
Fashions of the Forties  
Patience Corners Workshop

Total Retail shops.....31

Total offices..... 2

---

Total gross commercial  
floor area.....(approx.) 25,000 square feet



# Appendix B

## Tenants of Shattuck Commons (as of June, 1982)

<u>Retail tenants</u>	<u>Square Footage</u>
Shoes of America (shoe repair actually performed in San Francisco)	290
Bing Wong Cleaners (losing their lease on the other site)	500
Copy Mat	1500
Kinder Shues (imported childrens's shoes)	700
Il Forniao (Italian bakery)	1500
Our House ("country French" household items)	630
Natural Fiber (womens clothing)	
another womens dress shop	
a card/gift shop	
Crocker automated teller machine	90
Nautilus athletic spa	2600
<u>Office tenants (upstairs)</u>	
an executive search company	450
a consultant to the U.S. Dept.of Agriculture	400
a software computer program firm	2000
Subtotal	10,660
Total gross commercial floor area	20,000
Total rentable floor area	17,000

(Information from John Fornoff, an El Cerrito architect who is leasing Commons space)

# APPENDIX C : DETAILED INVENTORY

## OF CERTAIN USES

### Restaurants

Chez Panisse  
Egg Shop & Apple Press  
Fugetsu  
Genjii (NBC)  
La Casita  
Mary's Place  
Oscar's  
Siboney  
Smokey Joe's Cafe  
Vegi Food  
Warszawa  
Yangzte River

### Take-Out Food

H. Salt Esq. Fish & Chips  
Juice Bar Collective  
Kentucky Fried Chicken  
Mama's BBQ

### Cafes

French Hotel Cafe  
Kafeneo Coffee House  
\*La Cuisine  
\*Toots Croissant Cafe (NBC)  
Upper Level Cafe  
Vivoli's

### Delicatessans (specialty food sold for immed. consupt.)

Borelli's  
Poulet  
Rosenthal's

### Specialized Food Sales

Baskin Robbins  
Berkeley Fish Market  
Cheese Board  
Lenny's Meat  
Peet's  
Produce Market  
Pig-by-the-Tail  
Salubrious  
B & W Gourmet Coffee & Tea (NBC)

### General Food Sales

Co-Op  
Lucky  
Safeway

### Bakeries & Confectioners

Cocolat  
Le Croissant  
\*Toots Croissant Cafe (NBC)  
\*Sweet Temptations (NBC)  
Virginia Bakery  
Viva Croissant  
(Italian bakery in Shattuck Commons)

\* This shop is also counted in another category.

### Clothing and Accessories

By Hand  
Dahlia (NBC)  
Earthly Goods  
Far and Few Shop  
Fashions of the Forties (NBC)  
Golden Calf Leathers (NBC)  
Just Pants  
La De Da  
Moods for Moderns (NBC)  
Oui Oui Childrens Wear  
Outback (NBC)  
Ragtime  
Rosebud  
The Walk Shop  
(children's shoes in Shattuck Commons)

### Gifts/Novelties/Stationary/Antiques

Aura Antiques and Trade  
Bird in Hand  
Funny Farm of England (NBC)  
Hansa Gifts & Jewelry (NBC)  
\*Iris Too Gallery (NBC)  
Mamiji (NBC)  
Mills' Musical Gifts (NBC)  
Oak Tree (NBC)  
Ranko's  
Zebra  
\*California International  
Commodity (NBC) (whlse. import)  
Papyrus (2--one in NBC)  
\*Sweet Temptations (NBC)  
(~~two~~ in Shattuck Commons)  
Housewares/Home Furnishings  
  
Emerson and Gunderson (NBC)  
Flash in the Pan (NBC)  
\*La Cuisine

### Barbers/Beauty Shops

Artistic Beauty Salon  
Beauty by Grace  
Cameo Coiffures  
Cappelli Hair Design  
Dale's Barber Shop  
Fleet Street (NBC)  
Peter Thomas Hair  
The Raven  
Tony's Service Barber Shop

### Fabrics/Sewing Supplies

Handloomed Fabric Store  
On Edge (NBC)  
Patience Corners (NBC)

### Custom Tailoring

Christopher's Tailor/Alterations  
Sew What (NBC)

### Arts and Crafts

Arts and Crafts Co-Op  
\*Iris Too Gallery (NBC)  
The Children's Gallery  
Zosaku

### Art Supplies

Art Graphics  
Le Crayon (NBC)  
The Mitre Box Framing  
Uptown Graphics Framing

### Furniture

Lamori Interiors (NBC)  
Wyatt and Duncan

### Drugs and Personal Care Items

About Face (NBC)  
Bills Drugs  
Co-Op Pharmacy  
Bath Products NBC ?

\* This shop is also counted in another category.



## Banks and S&L's

Bank of America  
Bank of California (leaving 8/82)  
Homestead Savings  
First Enterprise Bank  
Twin Pines Federal S&L

## Financial Inst. excl. banks/S&L's

\*California Int'l Commodity (NBC)  
Vanguard Investments  
Valoren Associates (NBC)  
(appraiser)

## Insurance

Henry Stashik (1521 Shattuck)

## Offices: Medical/Dental/Vet.

L. Handmacher, Optometrist  
M. Seskin, DDS  
1650 Walnut Pediatrics  
Shattuck Veterinary Clinic  
U of C Acupressure Workshop  
Doug Moorhead, MD (2045  
Francisco)

## Offices: General

Jungian Senoi Institute  
Synergy Power Institute  
The Work Service  
Opinion Research Assocs. of N. Cal  
{ Center for Energetic Studies  
Institute for Somatic Studies  
Journal of Biological Experiences  
(all at 2045 Francisco)

## Offices: Other Professional

Allen Associates (urban dev't & resoration)  
Wm. Dawson, structural engineer  
E. Paul Kelly, architect  
Kemp and Kemp, architect  
Family Law Counseling, Inc. (NBC)  
J. Garrison, M.A.  
K. Lawson, Ph.D.  
H. Lee, attorney  
Schwartz, attorney  
2 other Ph.D.'s  
Payne-Maxie, consultants  
Roman & Hoehn, attorneys  
Wyatt & Duncan, attorneys  
Wm. Wen, accountant (NBC)  
S. Schmidt, LCSW (2045 Francisco)  
Gerald Kasin, consulting engineer (1521 Shattuck)  
David Weitzman, attorney (2026 Delaware-illegal use?)  
Attorneys moving into 1708 Shattuck

## Computer Services

Basis, Inc., time sharing,  
data/word processing  
Aleph Computer Systems, ?

## Other Major Offices

State of California (Shattuck/Lincoln)  
--Dept. of Health Services  
--Dept. of Industrial Relations  
--Dept. of Social Service

University of California (Hearst/Milvia)  
--Ass't Vice President, Student Academic Services  
--Admissions and Outreach  
--Student Affairs and Services  
--Financial Aid and Loan Collection  
--Student Preparation and Communications

Real Estate Services

Abacus Realty  
Homefinders' Rentals  
Art Capoor Realty  
Irene Kirk  
Mason & McDuffie, Realtors  
Bill McQuistan, Real Estate  
Alma Naismith, Realtor  
Rent-A-Home Data Bank  
David Robinson, Realtor  
The Miramonte Co., Real Estate  
The Sandel Company  
Transcentury Realty Masters (left?)  
Walnut Realty

Title Companies

First American Title  
Guaranty Co.  
Northwestern Title Co.

## Comparison of Proposed Commercial Zoning Districts

Legend:	C-1 General Commercial	C-1A Community Commercial	C-1B Retail Commercial	C-1C Neighborhood Commercial
NO USE PERMIT REQUIRED				
ADMINISTRATIVE USE PERMIT REQUIRED		Establishments limited to 4000' unless use permit secured		
USE PERMIT ISSUED BY BOARD OF ADJUSTMENTS FOLLOWING A PUBLIC HEARING			Limited to 40% frontage in services, restaurants, theaters, commercial, recreational, residential	
PRESUMED TO BE INCOMPATIBLE				
<b>Uses Permitted</b>				
Retail Sale of: bakery goods books clothing/accessories flowers and plants food products stationery                drugs/personal variety goods          care items ----- beauty or barber shops - laundry or dry cleaning agents opticians real estate services repair of personal/household items -----			May exceed 40% frontage if use permit secured.	
Retail Sale of: art supplies cameras and photographic supplies fabrics and sewing accessories gifts hardware housewares paint and wallpaper supplies phonograph records/tapes radio and television sporting goods				
custom tailoring copy and printing services financial services other than banks and savings and loan assns. insurance services offices, general offices, professional, other than medical and dental photography studios travel agencies			Use permit required for ground floor frontage only.  Not required above or behind ground floor frontage	
off-street parking for up to 5 automobiles computers and supplies				
Retail Sale of: antiques arts and crafts appliances bicycles furniture merchandise, general musical instruments/materials office supplies stereo/tape recording equipment Offices, Government Title Companies				



COMPARISON OF PROPOSED COMMERCIAL ZONING DISTRICTS CONTINUED:

Uses Permitted (cont.)	C-1	C-1A	C-1B	C-1C
Medical and dental offices				
Alcoholic beverage sales - for consumption off-premises				
Service of beer/wine incidental to an existing use				
Food sales for immediate consumption incidental to the sale of food products				
Self-service laundries and dry cleaning				
Restaurants more than 200' from a residential district				
Residential uses				
Other uses compatible with the purposes of the district.				
Animal care establishments				
Banks/savings and loan assns.				
Churches/Schools				
Commercial recreation				
Motion picture and other theaters				
Off-street parking for <u>more</u> than 5 automobiles				
Pet stores				
Restaurants within 200' of a residential district				
Service of alcoholic beverages				
Auto repair				
Auto sales/Service				
Auto rentals				
Auto parts stores				
Garden supplies				
Glass Stores				
Manufacturing or wholesale incidental to a permitted use				
Music and dance studios				
Plumbing shops				
Second hand stores.				
Storage of goods and materials				
Testing laboratories				
Trailer sales or rental				
Uses with over 25% floor area devoted to storage				
Adult oriented businesses				
Cleaning/Dyeing establishments				
Food stands				
Hospitals				
Laundries				
Mortuaries				
Motorcycle sales and service				
Open air markets				
Pawn shops				
Private clubs				
Service Stations				
Transient residential				

Presumed To Be Incompatible

# Appendix E

PARKING- Required parking or required in-lieu payment as a function of total gross commercial square feet.  
(Requirement applies to new construction, enlargement, conversion, or substantial renovation.)<sup>1</sup>

SQUARE FOOTAGE	BLAYNEY RECOMMENDATIONS:		NORTH SHATTUCK AREA PLAN COMMITTEE	
	<u>In-Lieu Payments</u> <sup>2</sup>	<u>Spaces Required</u>	<u>In-Lieu Payments</u> <sup>2</sup>	<u>Spaces Required</u>
0-399	No payment	0	See Below	
400-999	10% (\$1,000 - \$2,500)	1.0 - 2.5		
1000+	Add 1% for each 50 square feet or fraction thereof (\$100.00/50 square feet)	2.5/1,000 square feet		
0-1200	see above	see above	No payment	0
1200-1600	14%-22% (\$4,200 - \$8,800)	3-4	10% (\$3,000 - \$4,000)	3-4
1600-2000	22%-30% (\$8,800 - \$15,000)	4-5	15% (\$6,000 - \$7,500)	4-5
2000-2400	30%-38% (\$15,000 - \$22,800)	5-6	20% (\$10,000 - \$12,000)	5-6
2400-2800	38%-46% (\$22,800 - \$32,000)	6-7	25% (\$15,000 - \$17,500)	6-7
2800-3200	46%-54% (\$32,000 - \$43,200)	7-8	30% (\$21,000 - \$24,000)	7-8
3200-3600	54%-62% (\$43,200 - \$55,800)	8-9	35% (\$28,000 - \$31,500)	8-9
3600-4000	62%-70% (\$55,800 - \$70,000)	9-10	40% (\$36,000 - \$40,000)	9-10
4000-4400	70%-78% (\$70,000 - \$85,800)	10-11	45% (\$45,000 - \$49,500)	10-11
4400-4800	78%-86% (\$85,800 - \$103,200)	11-12	50% (\$55,000 - \$60,000)	11-12
4800+	continue to 100%	1 space for each additional 400 square feet, no maximum	50% + mandatory provision of <u>at least</u> 50% of required parking spaces on site with a pro-rated reduction in in-lieu fee for spaces provided in excess of 50% requirement.	

## NOTES:

1. Blayney indicates in Section 22.18-2 that "conversion" applies only to changes in certain uses or expansion of an existing use by 50% or more. For the purposes of determining application of NSAPC recommendations, "conversions" are considered to be any alteration, expansion, or modification of existing structures or change in uses where more than 1200 square feet of total gross commercial area is affected.
2. Expressed as a per-cent of the estimated cost of providing required parking. For the purposes of this report, an estimated cost of \$10,000 per space has been used to compute in-lieu fees shown above.

It is assumed that the in-lieu fee listed in either recommendation may be reduced on a pro-rated basis by providing parking on site and eliminated entirely if parking is provided as indicated in the Spaces Required column.

#### AMMORTIZATION OF IN-LIEU FEES:

Case #1: A 2,500 square foot commercial new construction project would be assessed an in-lieu fee based on a parking requirement of 2.5 spaces per 1,000 square feet or a total of 6.25 spaces. For the purposes of this ordinance, all fractions of parking spaces are rounded up, for a total of 7.0 spaces in this instance.

According to the chart in Appendix "E," the developer would be expected to pay 25% of the actual cost of providing the parking or 25% of 7 spaces multiplied by \$10,000 per space. The total in-lieu fee assessed would be, therefore, \$17,500 or \$7.00/square foot. \$7.00 amortized over a 15 year period (to take advantage of rapid depreciation schedules) at 14% interest would cost \$0.093 in monthly principle and interest charges. Thus, the additional cost on a square footage basis would be 9¢ over a 15 year period to the tenant.

Case #2: A conversion of a 1,800 square foot commercial space to restaurant is proposed. Restaurants would be assessed an in-lieu fee based on a parking requirement of one space for every 300 square feet of gross area or a total of 6 spaces.

According to the chart in Appendix "E", the developer would be expected to pay 15% of the actual cost of providing the parking or 15% of 6 spaces multiplied by \$10,000 per space. The total in-lieu fee would be, therefore, \$9,000 or \$5.00 per square foot. Ammortized over 15 years at 14% interest, the carrying charge to finance this fee would amount to \$119.85 per month or 6.65¢ per square foot/month.



Appendix F

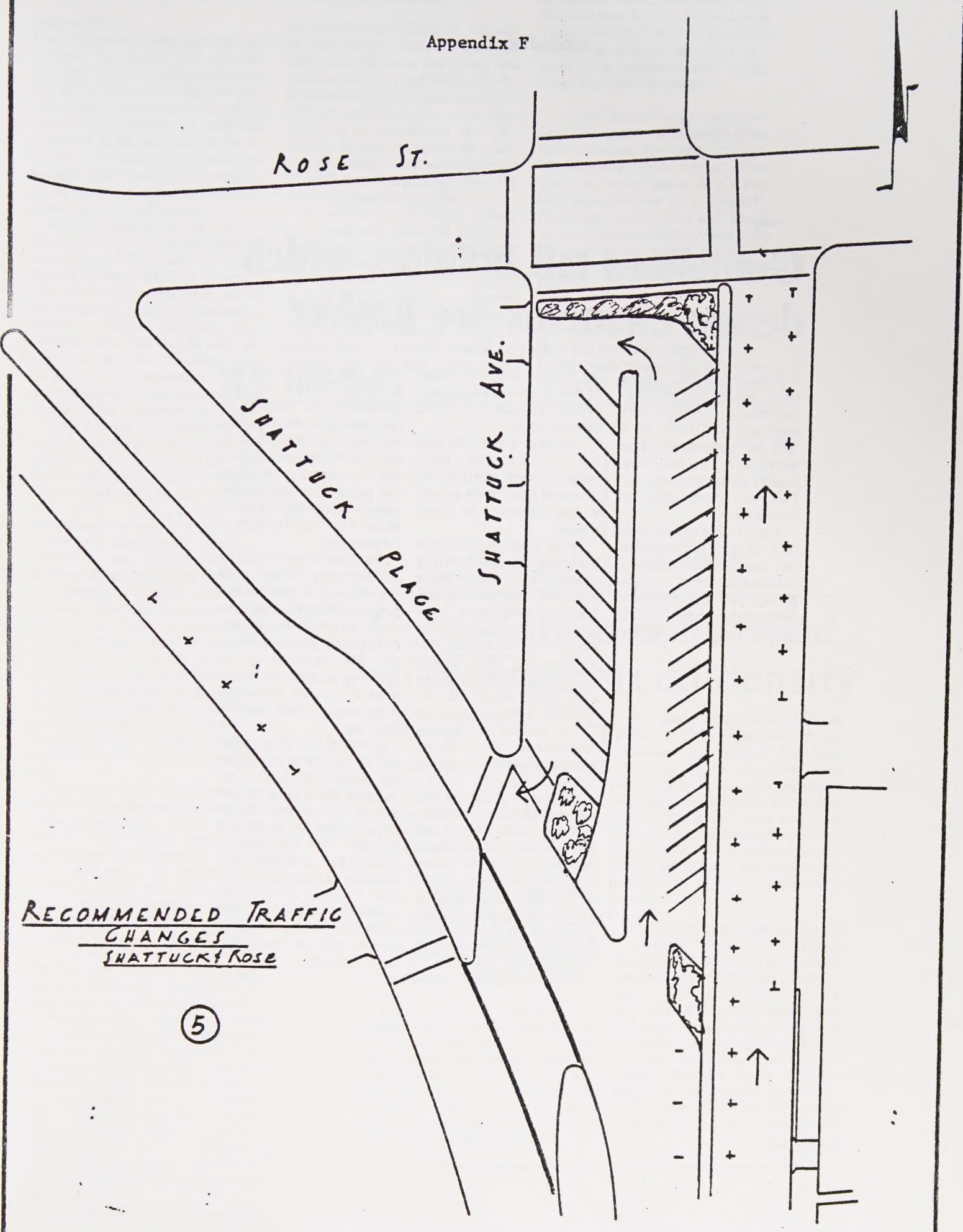
ROSE ST.

SHATTUCK AVE.

SHATTUCK PLACE

RECOMMENDED TRAFFIC  
CHANGES  
SHATTUCK & ROSE

5





## Guidelines tell builders which design elements are kosher

Montreal 5/12/82

Remember all those fights before the planning commission about new buildings that didn't fit in with the surrounding neighborhood? The buildings usually either too stark, too bulky or too ugly, their detractors said.

Well, such atrocities may be a thing of the past. The city council, on the recommendation of a citizens group and the planning commission, has just approved a set of guidelines

for determining the design of new apartment buildings *before* the plans get to the fighting stage.

The new guidelines had the support of both neighborhood representatives and developers as well as the Chamber of Commerce.

From now on, builders planning on constructing apartments of five or more units will meet with the city planning staff for a "pre-application conference," at which time the builder will be given the names of any citizens groups active in the area that might be interested in the project.

The builder will be encouraged to meet with the groups before his plans are too far along.

After the design is developed, a formal application for design review will be made by the builder to the planning department. Five close neighbors will be notified by mail of the application, which will also be published in the planning department's biweekly list of applications on file.

The planning staff will re-

view the designs for the building based on the guidelines just adopted by the council. If the planning staff and the builder disagree on the design, the issue can be referred to an advisory panel of design professionals (probably members of the American Institute of Architects).

The panel's report will be advisory only, though, with the decision of whether the proposed building meets the city's design guidelines left up to the city planning director. The decision of the planning director can be appealed to the planning commission, which has the final say.

Some of the things that will be looked at in judging the design are whether the building takes good advantage of the sun and view, if any, whether the building is in scale with surrounding buildings, whether the building incorporates natural features of the land on which it will be built, and whether the landscaping blends with the rest of the neighborhood.

—E.E.



# Local forum concerned

FROM PAGE 4

The commission staff has now reviewed the plan and recommended that the commission give the NSAPC the green light to proceed. Discussion and action on the Area Plan Committee's proposed structure is on the agenda for tonight's Planning Commission meeting and the NSAPC is hoping for a positive recommendation, based on the staff report.

A major feature of the NSAPC structure is an oversight committee charged with "insuring the integrity of the planning process." The oversight committee would be composed of up to 15 representatives from neighborhood groups, area merchants and developers, and the Planning Commission. The commission staff report suggests including a member of the Traffic Commission as well.

Attendees at Monday's meeting heard subcommittee reports on traffic and parking, land use, and environmental considerations. The assemblage was then divided into five small groups for brainstorming sessions to elicit a variety of community concerns, questions and preferences on managing and planning commercial growth and traffic patterns.

Some recurrent themes in these discussions were: a preferential parking system such as that recently set up in the Bateman neighborhood, ways of discouraging auto traffic and encouraging public transit and bicycles; and promoting the establishment of neighborhood-oriented businesses with tax incentives and rezoning.

Members of the audience emphatically expressed a need for shoe repair and watch repair shops, "dime stores," and a discount department store, as well as a general desire to prevent the North Shattuck area from becoming a regional shopping district. One resident warned against "Carmel-ization," declaring that the coastal tourist town of Carmel has become "so cute" that people who live there can't buy the things they need to sustain everyday life.

Suggestions ranged from curbside recycling of garbage and banning of toxic chemicals like those used by dry cleaners, to closing off portions of streets to create parking lots, bike lanes or pedestrian malls. Among other topics discussed were shuttle buses, residential population density, truck loading zones, street vendors and prohibiting fast food restaurants.

Councilmember Veronika Fuk-

son and Wendy Gleason, her appointee to the Planning Commission, each spoke to the group and encouraged its continued efforts. Fukson stressed the importance of citizen participation now that there is no money in the city budget to pay professional planners to research and write the kind of inclusive, long-range plan the NSAPC hopes to produce.

Vice-Mayor Shirley Dean explained and clarified some recent City Council actions on parking meters and traffic lights which she felt were incorrectly characterized in the NSAPC newsletter. Councilmember Florence MacDonald and Planning Commissioner Trudy Washburn also attended but did not address the group at large.

The fact that Dean took the time to respond to items in the newsletter was taken by NSAPC leaders as a positive sign that their activities are being noticed by those in a position to empower and implement the group's plans.

NSAPC leader Linda Veniziano urged the group members to make their presence and their opinions felt where decisions which affect them are being made. She noted that agendas for City Council, Planning Commission and Board of Adjustments meetings and public hearings are posted in the City Hall lobby and the main public library.

Volunteers to help write, print and distribute 4,000 copies of the next NSAPC newsletter were solicited, and fundraising raffle tickets went on sale at \$1 apiece.

12/2/81 Daily Californian

## Local forum concerned with commercial density

By ELINOR DAVIS  
STAFF WRITER

Approximately 75 people, including three city councilmembers and two planning commissioners, turned out Monday night to hear progress reports and help create a comprehensive plan for the future of the North Shattuck Avenue commercial district.

The meeting of the North Shattuck Area Plan Committee (NSAPC) was the latest in an ongoing series of activities designed to heighten public interest and participation in the planning process.

The group was formed to address concerns about accelerating commercial growth and its attendant traffic and litter problems. The meeting was held to continue work on a plan for orderly growth which would, as much as possible, meet the needs of affected residents and merchants.

For many, this concern became alarm with the rather sudden appearance this year of the North Berkeley Centre shopping mall and the North Shattuck Commons building, as well as the disappearance of the Lucky store and a gas station near Shattuck Avenue and Rose Street. The disappearance of those businesses introduces the possibility of still further new construction.

Following guidelines in the city's Master Plan, the NSAPC in October submitted a procedural proposal to the Planning Commission, which must approve any such plan. If the commission does not give its approval, the group could still obtain legal sanction of its plan with the more time-consuming and costly petition and ballot proposition process.

This route is not likely to prove necessary, according to observers.

SEE PAGE 9





# People must give way to shops

By Eleanor Edwards

Grand Avenue, one of the city's most popular

streets for small, interesting shops, is becoming a prime location for upper floor offices too, it seems.

And in the process some longtime apartment dwellers are losing their homes.

The same thing is happening on Piedmont Avenue, College Avenue, Telegraph Avenue and other neighborhood shopping streets as copy machines and filing cabinets replace refrigerators and stoves in the rooms over the stores.

City planners think something should be done to slow down the conversion of commercially-zoned apartments to offices, but the Oakland Board of Realtors disagrees. This week, the city council is scheduled to decide the issue.

The council has already voted once to approve a new ordinance that would require a use permit — and public hearing — before such conversions can take place, but when the ordinance came up for final approval last week real estate representatives opposed it. The council voted 7 to 2 to delay the vote a week in order to discuss the issue further.

City planning director Norman Lind said his office has had "a number of inquiries from people who intend" to convert apartments in commercially-zoned areas to offices.

On Grand Avenue, for example, tenants in a fourplex in the 3300 block recently were evicted after the building was sold to new owners who plan to turn the apartments into offices. One of the tenants told planning commissioners when they were considering the new ordinance that she was trying to raise a child and finish college. Having to move to another, more expensive apartment now would be a hardship for her, she said. Commissioners approved the ordinance 4 to 0.

"From all we can tell," Lind told *The Montclarion* later, "we can anticipate this might be a significant new activity." Because the buildings are commercially zoned, there's nothing in the planning codes to prevent the conversions. Requiring use permits before conversions can take place, Lind said, would be "the simplest way to assure we don't lose what affordable housing we've got."

Dennis McDermott of the Oakland Board of Realtors disagrees.

"This is like trying to put a bandaid on a very serious problem," he said. "We're critically aware of the lack of housing, but these dwellings are in commercially zoned areas and they should really be allowed to go naturally into commercial use."

According to McDermott, since 1974 Oakland has downzoned 200 acres from multiple housing to single-family housing, knocking out the potential of building 50,000 units of housing in Oakland.

"Why downzone and prevent opportunities to create new housing and then have this ordinance?" he asked.

City planners, noting that there are numerous unbuilt lots in Oakland and areas that can be more densely developed, say the economy has more to do with the lack of new rental housing in

Oakland than downzoning does. And since no new rental apartment are being built right now, the city should do what it can to prevent the ones it has from being removed from the market, they add.

"I really have difficulty finding an argument in favor (of these conversions) other than it allows someone to make a lot of money," Lind

said. "And I don't think that's a good enough public reason."

"What's wrong with somebody making money on their property?" McDermott asked. "The main focus of the ordinance is not to maintain residential units. It's trying to restrict someone from using their building for commercial use."

"As these streets become more popular, the owners want to use their property in the best way. It's not their fault we have a housing crunch. It's nice to try to hold on to a few residential units in a commercial area but you're penalizing one group to benefit the other and the only reason is you've done everything you can to discourage new housing."